XIV 340

2210, Victoria
Regime, 1851,
London,
Sule: Laws & Legis-
lation — Statute —
Victoria Act,

WEST BENGAL SECRETARIAT LIBRARY

SCHEDULE (A.)

FORM of BOND to be given by OWNER or CHARTERER and MASTER.

KNOW all Men by these Presents, That we,

are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the "Passengers Act, 1849," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed on any Voyage to which the Provisions of the Passengers Act, 1849, shall extend, the Owner or Charterer, or, in the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a Bond to Majesty, Heirs and Successors, in the Sum of One thousand Pounds.

Now the Condition of this Obligation is such, that if the Ship whereof is Master, bound to is in all respects seaworthy, *[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Passenger for the Period of Weeks on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if all and every the Requirements of the said Passengers Act, 1849, and of the said recited Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Passengers Act, 1849, and of any Order in Council

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water, as provided by s. 23 of the Act.

Council passed in virtue of the said last-mentioned Act, shall in all respects be well and truly performed, †[and if the Master for the Time being of the said Ship shall submit himself in like Manner as a British Subject, being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Passengers Act of 1849 to adjudicate on Offences committed against the said Act,] and if, moreover, all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

Signed, sealed, and delivered by the above-bounden in the Presence of‡

‡ Insert Names and Addresses in full of the Witnesses.

§ [I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said].

§ Certificate to be signed by the Chief Officer of Customs in case of a Foreign Passenger Ship.

(*Signature*) _____ { Chief Officer of Customs for the Port of

(*Date*) _____

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

LIBRA

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Inclosure Act, 1851."

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Tanworth	Warwick	12th July 1850.
Bromsberrow Heath	Gloucester	20th June 1850.
Abergwilly	Carmarthen	11th October 1850.
Cellan Mountain	Cardigan	13th November 1850.
Kington	Hereford	25th November 1850.
Roggiet and Minutes Common	Monmouth	20th June 1850.
Blaenpenal	Cardigan	20th June 1850.
Colby Moor	Westmorland	21st August 1850.
Meppershall	Herts and Beds	20th June 1850.
Twyford Down	Southampton	21st August 1850.
Owslebury	Southampton	21st August 1850.
Lurkenhope Common	Salop	21st August 1850.
Ash	Surrey	6th August 1850.
Marshfield	Gloucester	23d September 1850.
Smallridge	Devon	11th October 1850.
Ipplepen	Devon	23d September 1850.
Towednack	Cornwall	20th December 1850.
Ludgershall	Wilts	11th October 1850.
Compton Abbas	Dorset	16th January 1851.
Droxford	Southampton	13th November 1850.
Stourpaine and Ash	Dorset	14th January 1851.
Whitley	Berks	4th January 1851.
Shinfield Greens	Berks	4th January 1851.
Scaleby Moss	Cumberland	4th January 1851.
Newton	Cambridge	27th January 1851.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Consolidated Fund.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. That it shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 5,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not

not exceeding in the whole the Sum of Eight Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons

VII. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum

or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. IV.

An Act to enable Her Majesty to appoint a Vice Chancellor in the Room of Sir *James Wigram*, resigned. [1st *April* 1851.]

WHEREAS by an Act passed in the Fifth Year of the Reign of Her present Majesty, Session One, Chapter the Fifth, Her Majesty was by Section Nineteen empowered to appoint by Letters Patent under the Great Seal Two fit Persons to be additional Judges Assistant to the Lord Chancellor in the Discharge of the Judicial Functions of his Office, each of such additional Judges to be called Vice Chancellor; and by Section Twenty-one it was provided that nothing therein contained should authorize the Appointment of a Successor to the Vice Chancellor secondly appointed under the Authority of the said Act: And whereas the Right Honourable Sir *James Wigram* Knight was the Vice Chancellor secondly appointed under the said Act: And whereas the said Sir *James Wigram* has, by reason of ill Health, resigned the Office of Vice Chancellor to which he had been so appointed: And whereas the State of Business in the Court of Chancery renders it expedient that a Vice Chancellor should be appointed in the Place of the said Sir *James Wigram*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of additional Vice Chancellor.

I. It shall be lawful for Her Majesty to appoint, by Letters Patent under the Great Seal of the United Kingdom, a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to be an additional Judge Assistant to the Lord Chancellor in the Discharge of the Judicial Functions of his Office, in the Place of the said Sir *James Wigram*, and to be called Vice Chancellor.

Rank, &c. of additional Vice Chancellor.

II. The Vice Chancellor to be appointed under this Act shall have all the same Powers and Privileges, and the same Rank, and shall be subject to the same Provisions, Duties, and Observances, as the said Sir *James Wigram* had or was subject to under the said Act of the Fifth Year of Her present Majesty, Session One, Chapter the Fifth, excepting that he shall have Rank and Precedence next after the Vice Chancellors that now are.

To have a Secretary, Usher, and Trainbearer.

III. He shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by him at his Pleasure; and the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend such Vice Chancellor when sitting for the Lord Chancellor, and also when sitting in his separate Court, as Circumstances shall require, and as the Lord Chancellor shall order or direct.

Salaries.

IV. The Salary of such Vice Chancellor, and the Salaries of his Secretary, Usher, and Trainbearer, shall be of the same Amounts, and paid out of the same Funds, and in like Manner as the Salaries of the said Sir *James Wigram*, his Secretary, Usher, and Trainbearer, were and were directed to be paid under the said Act of the Fifth Year of Her present Majesty, Chapter the Fifth.

Retiring Pension.

V. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to such Vice Chancellor, on his Resignation of or ceasing to execute his Office, an Annuity of the same Amount, after the same Period of Service, under the same Circumstances, subject to the same Conditions, and payable out of the same Fund as the Annuity authorized to be granted to each of the Vice Chancellors appointed under the said Act of the Fifth Year of Her present Majesty, Chapter the Fifth.

Lord Chancellor may appoint Persons to keep Order in Court.

VI. It shall be lawful for the Lord Chancellor to appoint One or more Person or Persons, removable at Pleasure, for the Purpose of keeping Order in the Court of the Vice Chancellor to be appointed under the Authority of this Act; and the Salaries of the Persons

appointed

appointed or to be appointed under this Act, or under any Act or Acts now in force, to keep Order in the Court of the Vice Chancellor to be appointed under the Authority of this Act, shall be of such Amount, not exceeding the yearly Sum of Eighty Pounds, as the Lord Chancellor may think reasonable, and such Salaries shall be paid to each such Person so to be appointed out of the same Funds, and at the same Time, and in like Manner as the Salaries of such Persons have heretofore been paid.

Nothing to authorize the Appointment of a Successor.

VII. Nothing herein contained shall authorize the Appointment of a Successor to the Vice Chancellor appointed under the Authority of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

I. That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British Isles* shall by such Articles be subject to be transported as a Felon or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

II. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceed-

ings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Act to extend to Jersey, &c.

IV. Nothing in this Act shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or of Misdemeanor committed with Violence to the Person, Estate, or Property of any of Her Majesty's Subjects punishable by the well-known Laws of the Land; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who

The ordinary Course of Law not to be interfered with.

who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering.

V. No Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner

Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VIII. A General Court martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian*

General Courts-martial.

Islands, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Divisional and Detachment Courts-martial.

X. A Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, when Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment, or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. In Cases of Mutiny and gross Insubordination, or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Courts-martial in special Cases out of the Queen's Dominions.

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command

of

of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIII. When necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act passed in the present Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the

the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

XV. The President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor the Commanding Officer of the Division to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Proceedings at Trial.

XVI. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed, but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer, in respect of whom any Challenge shall have been made and allowed, shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the

the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XVII. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVIII. After a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been

been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, a Certificate, which shall purport to contain a Copy of the Charges, Finding and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate, or by the Officer officiating as such, or by the Officer confirming the Proceedings, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

XIX. Every

XIX. Every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Report of Proceedings of Courts-martial.

XX. No Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

No second Trial, but Revision allowed.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon, or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Com-

Crimes punishable with Death.

Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XXII. No Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present, being Members of the Court, shall concur therein.

Commutation of Death for Transportation.

XXIII. Whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, or to suffer such

such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Embezzlement punishable by Transportation.

XXIV. Every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Transportation of Offenders.

XXV. Whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any

Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave, of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms

in which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXVI. Whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Disposal of Convict after Sentence of Transportation.

XXVII. When any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid;

aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXIX. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement.

Power to commute Corporal Punishment.

XXX. In all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence by awarding Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by

XXXI. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender

Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct, Sentence of Court-martial.

In wilfully maiming or injuring himself, or any other Marine, whether at the Instance of such other Marine or not, with Intent thereby to render himself or such other Marine unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXXII. Every Marine who shall be found guilty of Desertion by a Court-martial, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise Forfeiture of Pay on Conviction of Desertion or Felony.

otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement;

XXXIII. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave not exceeding Five Days.

be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself; and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Marine shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to his Trial, and until such Decision has been pronounced: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

XXXV. A Ge-

Forfeiture of Pay for Drunkenness on Duty.

XXXV. A General, District, or Garrison Court-martial may sentence any Marine for being drunk on Duty, and any Court-martial may sentence any Marine for being drunk when on or for Duty or on Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Stoppages.

XXXVI. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXVII. Whenever any Marine shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

XXXVIII. On

XXXVIII. On the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation so as to be visible and conspicuous, and not liable to be obliterated. Marking Deserters.

XXXIX. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months the Court-martial shall imperatively order that the proper Proportion only of the Sentence of Solitary Confinement shall be inflicted within the first Three Months, and a similar Proportion only within each of the succeeding Three Months, of the Imprisonment awarded; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days. Power of Imprisonment by different Kinds of Courts-martial.

XL. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced; and where such Offender shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded. Imprisonment of Offenders already under Sentence for previous Offence.

Term and Place of Imprisonment.

XLI. Save as herein specially provided, every Term of Transportation or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. In the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Division or Detachment to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost

Marshal,

Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLIV. The Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLV. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody upon any Charge or for any Offence, Civil, Criminal, or Military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, if he be confined under Sentence of Imprisonment, previous to the Expiration of the Period of the Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration

Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds.

Military Prisons established under Act for punishing Mutiny and Desertion in Army to be deemed public Prisons.

XLVI. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters and Penalty on false Musters.

XLVII. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsly mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be

be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

XLVIII. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk. Verifying of Muster Rolls.

XLIX. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and whether such Marine shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial. Trials for Desertion after subsequent Re-enlistment.

L. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice Apprehension of Deserters.

may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a Descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. For and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid

upon

upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Marine conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

LIII. Any Person who, while serving in Her Majesty's Navy, or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall, to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof, and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and, if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, 7 & 8 G. 4. c. 29.

therewith, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

9 G. 4. c. 55.

Punishment for inducing Marines to desert.

LIV. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor,

meanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LV. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards.

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor committed with Violence to the Person, Property, or Effects of any of Her Majesty's Subjects, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable to be summoned before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Capias, Writ, Summons, Order, Judgment, Process, or Execution issued by or by the Authority of any Court or Inferior Court for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having

but not liable to be taken

out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

having supported or maintained, or for deserting or having deserted, or for leaving or having left chargeable to any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or other Relation which such Marine would, if not in Her Majesty's Service, be liable by Law to support or maintain, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, as herein prescribed.

Officers not liable to take Parish Apprentices.

LVII. No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from

Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Enlisting and swearing of Recruits.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours, after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified

certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart Money, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay all such Money and Pay as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine

Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to the Militia, or any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences,

within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished, or prosecuted, tried, and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed taken by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist into the Marines who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

of

of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Marine to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Penalty on Officers offending as to Enlistment.

LXII. Every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor

nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

LXV. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender,

Punishment of Apprentices enlisting.

Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Servants enlisting to be entitled to a Portion of their Wages.

LXVI. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Marines.

LXVII. And whereas certain Marines who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Marines have been so sworn and attested were the proper Justices to administer to such Marines the Oaths prescribed by the several Acts passed for the Regulation of Her Majesty's Royal Marine Forces while on shore: Be it enacted, That in every Case where any such Marine having been duly enlisted shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the last Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

Admiralty may order Pay to be withheld.

LXVIII. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be

 absent

absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

LXIX. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall

shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided also, that no Justice being an Officer of Royal

Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Innkeepers.

LXX. The Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the

Admiralty

Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

Supply of Carriages.

LXXI. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages,

 which

which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXII. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the

Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Depart-

Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXIV. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what

was

was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

LXXV. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXVI. All Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others

Exemption from Tolls.

for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXVIII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXIX. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels,

shall

shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LXXX. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence,

or

or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for forcible Entry.

LXXXI. Every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles, which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition

addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit, and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on unlawful recruiting.

LXXXIII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Officers killing Game.

LXXXIV. For the better Preservation of the Game and Fish in or near such Place where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy, any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Limitation of Actions.

LXXXV. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence, on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Act had extended to *Scotland*, anything in the said recited Act to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her

11 & 12 Vict. c. 43.

Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXXVII. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same, and his Adjudication thereof, to the Secretary of the Admiralty. 5 & 6 W. 4. c. 76.

Licences of Canteens.

LXXXVIII. It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such Exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

LXXXIX. Any

Mode of recording a Marine's Settlement.

LXXXIX. Any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England;* and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

Administration of Oaths.

XC. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Perjury.

Definition of Terms.

XCI. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief

chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

XCII. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-two inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-one until the First Day of *May* One thousand eight hundred and fifty-two inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-two inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-two inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred

Duration of Act.

 and

and fifty-one until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-two inclusive.

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

Notice

Marine Mutiny.

NOTICE to be given to a RECRUIT, or left at his Place of Abode, agreeably to the Provisions of the Marine Mutiny Act, within Forty-eight but not sooner than Twenty-four Hours after his Enlistment, the Hours of Sunday not being counted.

[*Date*] 185

you enlisted with

at o'Clock* on the Day of 185 , for the Royal Marines, and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested, or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Marine without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. } _____

Name of the Recruit _____

Residing at _____

* A.M. or P.M., as the Case may be.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

9. A

9. At what Place, on what Day, at what Hour of the Day, and where and by whom, were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Magistrate is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT on Attestation.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of the Recruit.*

_____ *Witness present.*

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of the Justice.*

CERTIFICATE

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any distinctive Mark.

} I One of Her Majesty's Justices of the Peace
to wit. } at do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me ; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him ; that he took the Oath of Allegiance and Fidelity ; that he received the Sum of on being attested this Day ; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money ; that [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*] ; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of the Justice.*

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces ; that I enlisted on the Day of for a Term of Years ; that I am of the Age of Years ; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years, [*to be filled up with* Twelve Years, *and in the Case of a Marine about to embark for Foreign Service with such Number of Years as shall be required to complete a total Service of*

Twenty-four Years], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me,

Signature of Marine.

Signature of Witness.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Marine Mutiny.

DESCRIPTION RETURN of committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*
——— *Signature of Prisoner.*
——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Articles of War made by Her Majesty to be judicially taken notice of.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the

Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full force and effect.

Act to extend to Jersey, Guernsey, &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds, in the said Islands.

Foreign Troops in this Country.

IV. All Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions

Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and Yeomanry.

V. Nothing in this Act contained shall in anywise be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and the Articles of War to Justice Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles* as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being, however, below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

General Courts-martial.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if

if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Regimental and Detachment Courts-martial.

IX. A Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships.

X. In Cases of Mutiny and gross Insubordination, or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial in special Cases out of the Queen's Dominions.

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person

of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixed Courts-martial in case of Marines and East India Company.

XII. Where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial, together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of an Act passed in the Twelfth and Thirteenth Years of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

President of Court-martial.

XIII. The President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment or Body of Troops composed of Detachments of different Regiments to which the Prisoner belongs; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot

cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Proceedings at Trial.

XIV. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy,

Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVI. After a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings,

or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him: Provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. Every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six

Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial, but Revision allowed.

XVIII. No Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being relieved; or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's

Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

XX. No Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein. Judgment of Death.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid. Commutation of Death for Transportation.

XXII. Every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; Embezzlement punishable by Transportation.

and

and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to be transported as a Felon, when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Execution of Sentences of Transportation in the United Kingdom.

XXIII. Whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in

any

any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXIV. Whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there

 imprisoned,

imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Transportation, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for disgraceful Conduct, as herein-after mentioned, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement.

Power to commute Corporal Punishment.

XXVII. In all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence by awarding Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent thereby to render himself or such other Soldier unfit for Service:

In

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXIX. Every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence;

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such

such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Soldier

or during Absence on Commitment under a Charge, or in Arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion, or of Absence without Leave;

or when absent without Leave, not exceeding Five Days.

Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Soldier shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to Trial, and until such Decision had been pronounced: Provided also, that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay for Drunkenness on Duty.

XXXI. A General, District, or Garrison Court-martial may sentence any Soldier for being drunk on Duty, and any Court-martial may sentence any Soldier for being drunk when for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period, not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or any Loss or Destruction of, or Damage or Injury to, the Arms, Horse, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXIV. Whenever any Soldier shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXV. On the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any

any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the proper Proportion only of the Sentence of Solitary Confinement shall be inflicted within the first Three Months, and a similar Proportion only within each of the succeeding Three Months of the Imprisonment awarded; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. Whenever Sentence shall be passed by a Court-martial on an Offender already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced, and where such Offender shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XXXVIII. Save as herein-before specially provided, every Term of Transportation or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

XXXIX. It

Military Prisons.

XXXIX. It shall be lawful for the Secretary at War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which under the Provisions of any former Act of Parliament have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary at War; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and it shall be lawful for the Secretary at War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer, or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary at War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary at War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

XL. Every

BENGAL SECRETARIAT LIBRARY

Mutiny.

XL. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Custody of Prisoners under Military Sentence in Common Gaols.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Proviso for Removal of Prisoners.

Their Subsistence in Common Gaols.

XLII. The Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLIII. Every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain*, to the Secretary at War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Musters and Punishment for false Musters.

XLIV. Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service.

XLV. Every

XLV. Every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Trials for Desertion after subsequent Re-enlistment.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter

Apprehension of Deserters in the United Kingdom.

Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner, who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment, to the end that such Secretary at War may order Repayment of the same; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

Temporary Custody of Deserters in Gaols.

XLVII. Every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter

while

while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits.

XLVIII. Any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Fraudulent Confession of Desertion.

XLIX. Any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland* of an Act passed in the Ninth Year of the Reign of His

7 & 8 G. 4. c. 29.

9 G. 4. c. 55. Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England*, as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Extension of Furlough in case of Sickness.

L. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such

such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury, to be tried by Court-martial for the same Offence.

LI. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor committed with Violence to the Person, Property, or Effects of any of Her Majesty's Subjects, or on account of an original Debt proved by Affidavit of the Plaintiff or of some One on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall

Soldiers not liable to be

taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

shall be liable to be summoned before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service, by any Capias, Writ, Summons, Order, Judgment, Process, or Execution issued by or by the Authority of any Court or Inferior Court, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for deserting or having deserted, or for leaving or having left chargeable to any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or other Relation, which such Soldier or Person would, if not in Her Majesty's Service, be liable by Law to support or maintain, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided, that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body; provided also, that nothing herein contained, relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, as herein-after prescribed.

Officers not liable to take Parish Apprentices.

LIII. No Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LIV. No Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve,

Alderman,

Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland.*

Enlisting and swearing of Recruits.

LV. Every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule

to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary at War shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall

shall be deemed to be enlisted and a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and

and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed, taken by the Recruit on his Attestation, and the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted: Provided always, that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LVIII. Every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LIX. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting and others desirous of enlisting abroad: Be it therefore enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary at War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-

enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LX. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall while serving be deemed to be Soldiers legally enlisted into Her Majesty's Service, and entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXI. Any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

LXII. No Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Claims of Masters to Apprentices.

LXIII. No Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof

Punishment of Apprentices enlisting.

thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Wages of Servants enlisting.

LXIV. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. And whereas certain Soldiers who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Soldiers have been so sworn and attested were duly qualified to administer to such Soldiers the Oaths prescribed by the several Acts passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters: In every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and

shall

shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. No Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided, as aforesaid, that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Suspending Operation of recited Acts.

LXVII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled

6 Anne, c. 14. tuled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said recited Acts and the several Provisions thereof shall not be of any Force or Effect during the Continuance of this Act.

How and where Troops may be billeted.

LXVIII. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in One and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be

be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned

sioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh:* Provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Exemptions from Billets.

Billeting the Guards in and near Westminster.

LXIX. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties, and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of

of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXX. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LXXI. The Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not

by the Occupiers of the Houses on which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses, before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LXXII. All the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark,* and *Man,* and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland,* and to all Justices

Powers and Regulations as to Billets.

Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary.

Supply of Carriages.

LXXIII. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open

open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXIV. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight, loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the

Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXXV. It shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his

Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVI. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

LXXVII. It

Mutiny.

LXXVII. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor. Routes in Ireland.

LXXVIII. All Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order, or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted. Tolls.

LXXIX. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat. Ferries.

LXXX. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide Marching Money on Discharge.

decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXXI. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

LXXXII. Nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony or of Misdemeanor committed with Violence to the Person, Estate, or Property of any of Her Majesty's Subjects, punishable by the well-known Laws of the Land, and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate thereof, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXXIII. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such

Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

LXXXIV. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive, for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXV. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXVI. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under

such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVII. Any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXVIII. Any Officer or Soldier who shall forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXXIX. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without

without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours, in addition to his original Sentences; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend, or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Gaol Acts to apply to Military Prisons.

XC. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place

Penalty on Keepers of Prisons for

refusing to confine, &c. Military Offenders.

Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

XCI. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by

the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

XCII. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any

Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Twelve Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled, or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon the Military so offending.

XCIII. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as afore-

said; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game.

XCIV. For the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon the Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

XCV. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for anything to be done in pursuance

pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

XCVI. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Acts had extended to *Scotland* and *Ireland*, anything in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

Appropriation of Penalties.

XCVII. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*,

London, to be at the Disposal of the Secretary at War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War. 5 & 6 W. 4. c. 76.

XCVIII. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required. Mode of recording a Soldier's Settlement.

XCIX. When any Person shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture. Licences of Canteens.

C. All Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk. Attestation of Accounts.

Commissaries to attest their Accounts.

CI. All Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

CII. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Offences against former Mutiny Acts and Articles of War.

CIII. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Duration of the Act.

CIV. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-two; and shall be and continue

in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-one inclusive until the First Day of *May* One thousand eight hundred and fifty-two; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty-one inclusive until the First Day of *August* One thousand eight hundred and fifty-two; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty-one inclusive to the First Day of *September* One thousand eight hundred and fifty-two; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-two inclusive until the First Day of *January* One thousand eight hundred and fifty-three; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-three inclusive until the First Day of *February* One thousand eight hundred and fifty-four: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full force, anything herein stated to the contrary notwithstanding.

SCHE-

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but not sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date _____ 185 .

you enlisted with

at o'Clock* on the Day of

for the Regiment and if you do not come

forward on or before o'Clock * on the

* A.M. or P.M. as the Case may be.

for

for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom, were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?

Mutiny.

15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the East India Company * for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person*

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

enlisted

enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

Signature of Recruit.
Witness present.

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice

If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath:

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the East India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath:

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE

CERTIFICATE to be given by the JUSTICE.

to wit. } I One of Her Majesty's Justices of the Peace of do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army, and that I have given him a Duplicate of this Certificate, signed with my Name.

Signature of Justice.

DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or* was, *as the Case may be*) in Captain Company in the Regiment; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be*,] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

Signature of Soldier.

Signature of Witness.

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of

of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this
Day of One thousand eight
hundred and

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I of One of Her Majesty's Justices of the Peace certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named
this Day of

Justice of the Peace of
or, *Commander in Chief, or Second in Command, et cætera, the Army serving in et cætera [as the Case may be].*

Mutiny.

No.

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Regiment of

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*

——————*Signature of Prisoner.*

——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of* ‖ *Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Issue, to make One or more Lease or Leases for any Term or Number of Years, or for One, Two, or Three Lives, with Covenant of perpetual Renewal, of any Part or Parts of Land to them respectively belonging, not being any Part of the Demesne usually occupied with his or their Mansion House, and not exceeding Three Acres Plantation Measure in any One such Lease, to any Person or Persons, for the Purpose of building Corn Mills, making Mill Ponds or Mill Dams, and that all Grants or Leases so made shall be good and effectual against the Successors of every such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Dignitary, Prebendary, Rector, Vicar, and other Ecclesiastical Person respectively, and against the Successors of the Masters, Governors, and Fellows of Colleges and Hospitals respectively, subject to certain Provisoes, Restrictions, and Conditions in the said Act contained relating thereto; and it is by the said Act further enacted, that like Leases, with like Powers, Restrictions, Reservations, and Covenants, may be made respectively and be valid for the Purpose of erecting Mills and making Mill Dams or Ponds for any Machinery of Manufacture to be turned or employed by Water: And whereas it is expedient to extend the like Provisions to Mills or Factories with Machinery to be turned or employed by Steam or otherwise than by Water: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Like Leases of Lands may be made for erecting Mills with any Machinery to be turned by Steam, &c. as under the recited Act may be made as to Mills to be turned by Water.

I. That like Leases of Lands, with like Powers, Restrictions, Reservations, and Covenants, may be made respectively, by like Persons, Bodies Politic, Corporate, or Collegiate, Dignitaries, Ecclesiastical Persons, and other Bodies as aforesaid, and shall be valid for the Purpose of erecting Mills or Factories in *Ireland* for any Machinery of Manufacture to be turned or employed by Steam or otherwise than by Water, as under the Provisions of the said recited Act may be made and be valid for the Purpose of erecting Mills or making Mill Dams or Ponds for any Machinery of Manufacture to be turned or employed by Water.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

thereafter granted.

Invention to be provisionally registered, and not to be used before granting of the Letters Patent.

the Validity of any Letters Patent to be thereafter, during the Term of the provisional Registration herein-after mentioned, granted for such Invention to the true and first Inventor thereof: Provided always, that such Invention have previously to such public Exhibition thereof been provisionally registered in manner herein-after mentioned; and provided also, that the same be not otherwise publicly exhibited or used by or with the Consent of the Inventor prior to the granting of any such Letters Patent as aforesaid, except as herein-after mentioned: Provided also, that no Sale or Transfer, or Contract for Sale or Transfer, of the Right to or Benefit of any Invention so provisionally registered, or of the Rights acquired under this Act, or to be acquired under any Letters Patent to be granted for such Invention, shall be deemed a Use of such Invention; and the Publication of any Account or Description of such Invention in any Catalogue, Paper, Newspaper, Periodical, or otherwise shall not affect the Validity of any Letters Patent to be during such Term granted as aforesaid.

Public Trial of agricultural or horticultural Implements, under the Direction of the Commissioners, not to prejudice Letters Patent.

II. The public Trial or Exhibition of any such Invention as aforesaid (being an Invention for Purposes of Agriculture or Horticulture), which shall be certified by the Lords of the said Committee to have taken place under the Direction of the Commissioners for the Exhibition of 1851 for Purposes connected with the Exhibition thereof, in such Place of public Exhibition as aforesaid, whether such Trial or Exhibition take place before or after the passing of this Act, shall not prevent the provisional Registration of such Invention under this Act, nor prejudice or affect the Validity of any Letters Patent to be granted for such Invention during such Term as aforesaid.

Certificate of Invention to be granted for provisional Registration.

III. Her Majesty's Attorney General, or such Person or Persons as he may from Time to Time appoint to issue Certificates under this Act, on being furnished with a Description in Writing, signed by or on behalf of the Person claiming to be the true and first Inventor within this Realm of any new Invention intended to be exhibited in such Place of public Exhibition as aforesaid, and on being satisfied that such Invention is proper to be so exhibited, and that the Description in Writing so furnished describes the Nature of the said Invention so intended to be exhibited, and in what Manner the same is to be performed, shall give a Certificate in Writing, under the Hand or Hands of such Attorney General or the Person or Persons appointed as aforesaid, for the provisional Registration of such Invention.

Certificate of Invention to be registered.

IV. The Registrar of Designs acting under the Designs Act, 1850, upon receiving such Certificate, and being furnished with the Name and Place of Address of the Person by or on whose Behalf the Registration

Registration is desired, shall register such Certificate, Name, and Place of Address, and the Invention to which any Certificate so registered relates shall be deemed to be provisionally registered, and the Registration thereof shall continue in force for the Term of One Year from the Time of the same being so registered, and the Registrar shall certify, under his Hand and Seal, that such Invention has been provisionally registered, and the Date of such Registration, and the Name and Place of Address of the Person by or on whose behalf the Registration was effected: Provided always, that if any Invention so provisionally registered be not actually exhibited in such Place of public Exhibition as aforesaid, or if the same Invention be in use by others at the Time of the said Registration, or if the Person by or on whose Behalf the said Registration has been effected be not the first and true Inventor thereof, such Registration shall be absolutely void.

V. The Description in Writing of any Invention so provisionally registered shall be preserved in such Manner and subject to such Regulations as the Attorney General shall direct, and any Invention so provisionally registered, and exhibited at such Place of public Exhibition as aforesaid, shall have the Words "Provisionally registered" marked thereon or attached thereto, with the Date of the said Registration.

Description to be preserved, and Invention to be marked with the Words "Provisionally registered."

VI. Such provisional Registration as aforesaid shall during the Term thereof confer on the Inventor of such Invention, with respect thereto, all the Protection against Piracy and other Benefits which by the Designs Act, 1850, are conferred upon the Proprietors of Designs provisionally registered thereunder with respect to such Designs; and so long as such provisional Registration continues in force the Penalties and Provisions of the Designs Act, 1842, for preventing the Piracy of Designs shall extend to the Acts, Matters, and Things next herein-after mentioned, as fully and effectually as if those Penalties and Provisions had been re-enacted in this Act, and expressly extended to such Acts, Matters, and Things; that is to say, to the making, using, exercising, or vending the Invention so provisionally registered, to the practising the same or any Part thereof, to the counterfeiting, imitating, or resembling the same, to the making Additions thereto or Subtraction from the same, without the Consent in Writing of the Person by or on whose Behalf the said Invention was so provisionally registered.

Provisional Registration to confer same Benefits as under the Designs Act, 1850.

VII. All Letters Patent to be during the Term of any such provisional Registration granted in respect of any Invention so provisionally registered shall, notwithstanding the Registration thereof, and notwithstanding

Letters Patent thereafter granted to be as valid as if Inven-

tions were not registered or exhibited.

withstanding the Exhibition thereof in such Place of public Exhibition or otherwise as aforesaid, be of the same Validity as if such Invention had not been so registered or exhibited; and it shall be lawful for the Lord High Chancellor, if he think fit, on the Grant of any Letters Patent to any Inventor in respect of any Invention provisionally registered under this Act, to cause such Letters Patent to be sealed as of the Day of such provisional Registration, and to bear Date the Day of such provisional Registration, the Act of the Eighteenth Year of King *Henry* the Sixth or any other Act notwithstanding.

Proprietors of new and original Designs exhibited to be entitled to Benefits of Designs Acts, although Designs have been previously published elsewhere than in United Kingdom, if not previously publicly sold or used.

VIII. Notwithstanding anything contained in the Designs Act, 1850, and the Two Acts therein referred to, and called the Designs Act, 1842, and the Designs Act, 1843, the Protection intended to be by those Acts extended to the Proprietors of new and original Designs shall be extended to the Proprietors of all new and original Designs which shall be provisionally registered and exhibited in such Place of public Exhibition as aforesaid, notwithstanding that such Designs may have been previously published or applied elsewhere than in the United Kingdom of *Great Britain* and *Ireland;* provided that such Design or any Article to which the same has been applied have not been publicly sold or exposed for Sale previously to such Exhibition thereof as aforesaid.

The Designs Act, 1850, and this Act to be construed as One Act.

IX. All the Provisions of the Designs Act, 1850, and the Provisions incorporated therewith, relating or applicable to the Designs to be provisionally registered thereunder, or to the Proprietors of such Designs, except the Provision for extending the Term of any such provisional Registration, shall, so far as the same are not repugnant to or inconsistent with the Provisions of this Act, apply to the Inventions to be provisionally registered under this Act, and to the Inventors thereof; and the said Designs Act and this Act shall be construed together as One Act.

Short Title.

X. This Act may be cited as The Protection of Inventions Act, 1851.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

like Manner as is prescribed by

to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of Seventeen millions seven hundred and fifty-six thousand six hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Acts extended to this Act.

II. That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public

VI. That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all

the

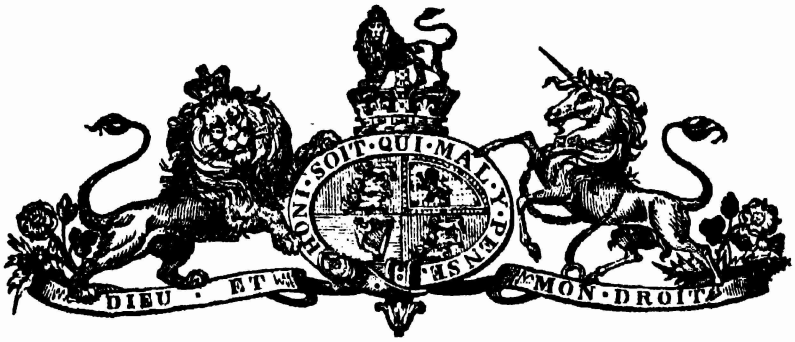
the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Revenue after Twelve Calendar Months from their Dates.

VII. That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Seventeen millions seven hundred and fifty-six thousand six hundred Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 17,756,600*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. X.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

[20th *May* 1851.]

WHEREAS divers Persons who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act of the First Year of King *George* the First, Chapter Thirteen; or to have qualified themselves according to an Act of the Thirteenth Year of King *Charles* the Second, Statute Two, Chapter One; or according to an Act of the Twenty-fifth Year of King *Charles* the Second, Chapter Two; or according to an Act of the Thirtieth Year of King *Charles* the Second, Statute Two; or according to an Act of the Eighth Year of King *George* the First, Chapter Six; or according to an Act of the Ninth Year of King *George* the Second, Chapter Twenty-six; or according to an Act of the Eighteenth Year of King *George* the Second, Chapter Twenty; or according to an Act of the Sixth Year of King *George* the Third, Chapter Fifty-three; or according to an Act of the Ninth Year of King *George* the Fourth, Chapter Seventeen; or according to an Act of the Tenth Year of King *George* the Fourth, Chapter Seven, so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience

1 G. 1. st. 2. c. 13.
13 C. 2. st. 2. c. 1.
25 C. 2. c. 2.
30 C. 2. st. 2.
8 G. 1. c. 6.
9 G. 2. c. 26.
18 G. 2. c. 20.
6 G. 3. c. 53.
9 G. 4. c. 17.
10 G. 4. c. 7.

venience that might otherwise happen by means of such Omissions, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. All and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-two, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the

the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:*

Oath and Declaration required by the Irish Act, 2 Anne, c. 6.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-two.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons, in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-two, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid

to

to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing, whatsoever already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

of a Misdemeanor.

Person shall be endangered, or the Health of such Person shall have been or shall be likely to be permanently injured, such Master or Mistress shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without Hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years.

Costs of Prosecution.

II. That the Costs and Expenses of the Prosecution of any such Misdemeanor as aforesaid may be allowed and ordered by the Court before which the Indictment shall be tried, in like Manner as the Costs of the Prosecution in certain Cases of Misdemeanor under the Act of the Seventh Year of the Reign of King *George* the Fourth, Chapter Sixty-four, or may be allowed and ordered by the Court of Queen's Bench, in case the Indictment shall have been removed into that Court, to be paid by the Treasurer of the County or other Officer who would have been liable to pay under the Order of the Court in which, but for such Removal, the Indictment would have been tried.

A Register to be kept of young Persons hired or taken as Servants from any Workhouse.

III. That the Guardians of every Union and of every separate Parish under the Management of a Board of Guardians, and the Overseers of every Parish not in Union or under the Management of a Board of Guardians, shall provide and keep a Book or Books, and shall cause to be registered therein the Name of every young Person under the Age of Sixteen who shall hereafter be hired or taken as a Servant from the Workhouse of such Union or Parish, together with the several other Particulars specified in the Schedule hereunto annexed; and every such Entry shall be signed by the presiding Chairman of such Board of Guardians at an Ordinary Meeting thereof, or by some One of such Overseers; provided that nothing herein contained shall be taken to supersede or affect the Obligation to keep such Register of poor Children apprenticed by Overseers or Guardians as is required by the Statute of the Forty-second Year of King *George* the Third, Chapter Forty-six, and the Statute of the Eighth Year of Queen *Victoria*, Chapter One hundred and one.

Not to supersede Obligation to keep Register as required by 42 G. 3. c. 46. and 7 & 8 Vict. c. 101.

Young Persons hired from Workhouses or bound out as Pauper Apprentices to be visited periodically by Officer of Guardians or Overseers.

IV. That where any young Person under the Age of Sixteen shall have been or shall be hired or taken as a Servant from the Workhouse of any Union or Parish, or shall have been or shall be bound out as an Apprentice by the Guardians of any Union, or the Guardians or Overseers of any Parish, it shall be lawful for such Guardians or Overseers respectively, and they are hereby required, so long as such young Person shall be under the Age of Sixteen, and shall be known to them to reside as Servant or Apprentice in the same Service into which such young Person shall have so gone as a

Servant

Servant from such Workhouse or as such Apprentice within such Union or Parish respectively, or within Five Miles of any Part of such Union or Parish, to cause the Relieving Officer, or, where there is no Relieving Officer, then some other Officer duly authorized for the Purpose, to visit such young Person at least twice in every Year, and to report to them in Writing whether he has found Reason to believe that such young Person is not supplied with necessary Food, or is subjected to cruel or illegal Treatment in any respect.

As to young Persons hired or bound to Masters residing at a Distance from Unions or Parishes.

V. That where any young Person under the Age of Sixteen shall hereafter be hired or taken as a Servant from the Workhouse of any Union or Parish, or shall be bound out as an Apprentice by the Guardians of any Union, or by the Guardians or Overseers of any Parish, and the Residence of the Master or Mistress shall be more than Five Miles from any Part of such Union or Parish, then a written Notice of such hiring, taking, or binding, specifying the Name and Age of the Apprentice or Servant, and the Name, Description, and Residence of such Master or Mistress, shall be forthwith sent from such Guardians or Overseers to the Guardians or Overseers of the Union or Parish in which such Master or Mistress shall reside; and thereupon it shall become the Duty of such last-mentioned Guardians or Overseers to cause the Particulars contained in such Notice to be registered in some Book or Books, to be provided by them for the Purpose, together with the Name of the Union or Parish from which such Notice shall have been received; and such last-mentioned Guardians or Overseers shall cause such young Person to be visited as frequently and in the same Manner in all respects as if such young Person had been hired or taken from their own Workhouse, or had been bound out as an Apprentice by themselves.

Guardians and Overseers authorized and required to prosecute in certain Cases.

VI. That where any Complaint shall be made of an Offence against this Act, or of any bodily Injury inflicted upon any poor Person under the Age of Sixteen Years, for which the Party committing it is liable to be indicted, and the Circumstances of which Offence amount in point of Law to a Felony or an Attempt to commit a Felony, or an Assault with Intent to commit a Felony, and Two Justices of the Peace before whom the Examination is taken shall certify under their Hands that they deem it necessary for the Purposes of public Justice that the Prosecution should be conducted by the Guardians of the Union or of the Parish, or where there are no Guardians by the Overseers of the Parish, in which the Offence shall have been committed, such Guardians or Overseers, as the Case may be, shall, upon personal Service of such Certificate or a Duplicate thereof upon the Clerk of such Guardians, or upon any One of such Overseers, conduct the Prosecution, and shall pay the Costs reasonably and properly

Costs of Prosecution.

properly incurred by them therein (so far as the same shall not be allowed to them under any Order of the Court trying the Indictment, or of the Court of Queen's Bench), out of the Common Fund of the Union, or out of the Funds in the Hands of the Guardians or Overseers (as the Case may be) of such Parish.

Justice empowered to bind over Officer of Guardians or an Overseer to prosecute.

VII. That in the Case of a Union or Parish under a Board of Guardians the Clerk or some other Officer of such Union or Parish, and in the Case of a Parish not under a Board of Guardians One of the Overseers thereof, may, if such Two Justices of the Peace before whom the Examination is taken shall deem it necessary for the Purposes of public Justice and shall certify as herein-before mentioned, be bound over to prosecute.

Interpretation of Terms.

VIII. That the Words "Guardians," "Union," "Overseers," "Justice of the Peace," "Officer," "Poor," "Parish," and "Workhouse," used in this Act, shall be construed in like Manner as in the Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Seventy-six.

Extent of Act.

IX. That this Act shall extend only to *England* and *Wales*.

SCHEDULE.

Form of Register.

Name of Child.	Age.	Date of hiring or taking as Servant.	Name of Master or Mistress.	Trade or other Description of Master or Mistress.	Residence of Master or Mistress.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

***

grant the same to Your Majesty for the Period herein-after limited; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Rates and Duties granted by first-recited Act further continued for One Year.

I. The several Rates and Duties by the said first-recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *April* One thousand eight hundred and fifty-one, for the Term of One Year thence next ensuing, and until the Assessments made or which ought to be made for the last Year of the said Term, or for any preceding Year, shall be completed, collected, levied, and paid.

First-recited Act and the several other Acts continued in force.

II. The said first-recited Act, and all and every other Act and Acts in force upon or immediately before the Fifth Day of *April* One thousand eight hundred and fifty-one, in relation to the Duties granted by the said first-recited Act, shall severally be continued and remain in full Force and Effect in relation to the Duties hereby continued and granted as aforesaid; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall (so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act) severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof respectively, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties and all Arrears thereof, and for re-assessing the same in default of Payment, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby continued and granted as aforesaid.

Abatement to be made from Assessments on Tenant Farmers where

III. That if at the End of the Year of Assessment of the said Duties under this Act any Person occupying Lands for the Purposes of Husbandry only, and obtaining his Livelihood principally from Husbandry, who shall have been assessed in the said Year to the

Duties

Duties chargeable under Schedule (B.) of the said first-recited Act in respect of such Lands, shall find, and shall prove to the Satisfaction of the Commissioners by whom the Assessment was made, that his Profits and Gains arising from the Occupation of such Lands during the said Year fell short of the Sum on which the Assessment was made, it shall be lawful for the said Commissioners, upon Appeal made to them in that Behalf within Three Calendar Months after the Expiration of the said Year, and of which Notice in Writing shall be given to the Surveyor of Taxes for the District, to cause an Abatement to be made from the Amount of the said Duties charged on such Appellant proportionate to the Deficiency of his said Profits and Gains; and in case the whole Sum assessed shall have been paid, the Amount of the Sum overpaid shall be certified and repaid in like Manner as is provided by Section 133. of the said first-recited Act in the Case of any Over-payment of the Duties assessed under Schedule (D.) of the same Act.

Profits fall short of such Assessments.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. XIII.

An Act to regulate the Sale of Arsenic.

[5th *June* 1851.]

WHEREAS the unrestricted Sale of Arsenic facilitates the Commission of Crime: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On every Sale of Arsenic, Particulars of Sale to be entered in a Book by the Seller in Form set forth in Schedule to this Act.

I. Every Person who shall sell any Arsenic shall forthwith, and before the Delivery of such Arsenic to the Purchaser, enter or cause to be entered in a fair and regular Manner, in a Book or Books to be kept by such Person for that Purpose, in the Form set forth in the Schedule to this Act, or to the like Effect, a Statement of such Sale, with the Quantity of Arsenic so sold, and the Purpose for which such Arsenic is required or stated to be required, and the Day of the Month and Year of the Sale, and the Name, Place of Abode, and Condition or Occupation of the Purchaser, into all which Circumstances the Person selling such Arsenic is hereby required and authorized to inquire of the Purchaser before the Delivery to such Purchaser of the Arsenic sold, and such Entries shall in every Case be signed by the Person making the same, and shall also be signed

 by

by the Purchaser, unless such Purchaser profess to be unable to write (in which Case the Person making the Entries hereby required shall add to the Particulars to be entered in relation to such Sale the Words "cannot write"), and, where a Witness is hereby required to the Sale, shall also be signed by such Witness, together with his Place of Abode.

Restrictions as to Sale of Arsenic.

II. No Person shall sell Arsenic to any Person who is unknown to the Person selling such Arsenic, unless the Sale be made in the Presence of a Witness who is known to the Person selling the Arsenic, and to whom the Purchaser is known, and who signs his Name, together with his Place of Abode, to such Entries, before the Delivery of the Arsenic to the Purchaser, and no Person shall sell Arsenic to any Person other than a Person of full Age.

Provision for colouring Arsenic.

III. No Person shall sell any Arsenic unless the same be before the Sale thereof mixed with Soot or Indigo in the Proportion of One Ounce of Soot or Half an Ounce of Indigo at the least to One Pound of the Arsenic, and so in proportion for any greater or less Quantity: Provided always, that where such Arsenic is stated by the Purchaser to be required, not for Use in Agriculture, but for some other Purpose for which such Admixture would, according to the Representation of the Purchaser, render it unfit, such Arsenic may be sold without such Admixture in a Quantity of not less than Ten Pounds at any One Time.

Penalty for offending against this Act.

IV. If any Person shall sell any Arsenic, save as authorized by this Act, or on any Sale of Arsenic shall deliver the same without having made and signed the Entries hereby required on such Sale, or without having obtained such Signature or Signatures to such Entries as required by this Act, or if any Person purchasing any Arsenic shall give false Information to the Person selling the same in relation to the Particulars which such last-mentioned Person is hereby authorized to inquire into of such Purchaser, or if any Person shall sign his Name as aforesaid as a Witness to a Sale of Arsenic to a Person unknown to the Person so signing as Witness, every Person so offending shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace in *England* or *Ireland*, or before Two Justices of the Peace or the Sheriff in *Scotland*, be liable to a Penalty not exceeding Twenty Pounds.

Act not to prevent Sale of Arsenic in Medicine under a Medical Prescription.

V. Provided, That this Act shall not extend to the Sale of Arsenic when the same forms Part of the Ingredients of any Medicine required to be made up or compounded according to the Prescription of a legally qualified Medical Practitioner, or a Member of the

Medical Profession, or to the Sale of Arsenic by Wholesale to Retail Dealers, upon Orders in Writing in the ordinary Course of Wholesale Dealing.

VI. In the Construction of this Act the Word "Arsenic" shall include Arsenious Acid and the Arsenites, Arsenic Acid and the Arseniates, and all other colourless poisonous Preparations of Arsenic. "Arsenic" to include Arsenious Compounds.

The SCHEDULE.

Day of Sale.	Name and Surname of Purchaser.	Purchaser's Place of Abode.		Condition or Occupation.	Quantity of Arsenic sold.	Purpose for which required.
1 September 1851.	*John Thomas.*	*Hendon*	*Elm Farm.*	*Farm Labourer.*	*5 lbs.*	*To steep Wheat.*

(*Purchaser's Signature.*)
John Thomas.
Or, if Purchaser cannot write, Seller to put here the Words, "cannot write."

Witness,
James Stone,
Grove Farm, Hendon.

(*Seller's Signature.*)
George Wood.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and Taxes shall be required to be paid, by an Act passed in the Session held in the Eleventh and Twelfth Years of Her present Majesty, intituled *An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors:* And whereas by the said firstly-recited Act it is further enacted, that it shall be lawful for any Person occupying Premises in any City or Borough which shall return a Member or Members to serve in any future Parliament to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof, and upon such Occupier so claiming, and actually paying or tendering the full Amount of the Rate or Rates, if any, then due in respect of such Premises, the Overseers of the Parish or Township in which such Premises are situated are thereby required to put the Name of such Occupier upon the Rate for the Time being, and in case such Overseer shall neglect or refuse so to do such Occupier shall nevertheless for the Purposes of the said Act be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: And whereas it is often inconvenient or impracticable for such Persons to make continual Claim in respect of each Rate, and many Persons are consequently deprived of the Franchise: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Person so claiming to be rated, and paying or tendering on or before the Twentieth Day of *July* in each Year the full Amount of the Rate or Rates (if any) due in respect of such Premises on the Fifth Day of *January* preceding, shall be required to make any further Claim in regard to any future Rate upon the Premises in respect whereof his Right to vote in any such Election as aforesaid shall arise, but shall be entitled to be put on the List and to be registered as a Voter, provided he shall have occupied the Premises in the Manner and for the Time required by the said firstly-recited Act, and provided the Poor's Rates and Assessed Taxes chargeable upon the same shall have been paid for the Period and up to the Time required by Law in respect of all Persons entitled to vote in the Election of Members of Parliament for any Borough under the Provisions of the said firstly-recited Act.

11 & 12 Vict. c. 90.

Persons having once claimed to be rated in respect of Premises, and paying or tendering, on or before 20th July, the Rates due 5th Jan. preceding, not required to renew such Claim.

II. Provided always, and be it enacted, That every Person so claiming as aforesaid who shall be registered as a Voter in respect of the Premises to which his Claim relates shall, in respect of every Rate

The Liability of the Claimant to Rates to continue

Rate for the Relief of the Poor made and published after such Claim as aforesaid, while he continues to occupy the same Premises and to be a registered Voter in respect thereof, be liable to the same Extent and in the same Manner as in respect of the Rate published next before the making of such Claim.

so long as he occupies the Premises and remains on the Register.

III. Provided always, and be it enacted, That in Cases where by any Composition with the Landlord a less Sum shall be payable than the full Amount of Rate which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such Composition.

Compositions with Landlord to determine Amount of Rate to which Tenant is liable.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

received such Consent.

signed by the Master of the Rolls, but subject in every such Case to all such Directions as are in the said Act of the Thirteenth and Fourteenth Years of Her present Majesty contained for having such Regulations and Orders laid before both Houses of Parliament, and for the Resolution of either House of Parliament thereon.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

ment be most convenient; and in order to enable the said Board the better to determine respecting the Boundaries and Arrangements of such Districts, the said Board is hereby authorized to require, and all Surveyors of Highways in every County respectively are hereby directed to afford and furnish to the County Roads Board thereof, all such Information and Evidence, and to transmit to them all such Books, Accounts, Returns, Documents, and other Papers in their Possession or Power, as the Chairman of such Board, by any Order under his Hand, and addressed to any of such Parties respectively, may require; and the said County Roads Board shall make an Order for the Formation of such Districts, and shall cause such Order, together with a Description or Statement of the Boundaries of such Districts, or of the Parishes comprised therein respectively, to be published by Advertisement in One or more of the Newspapers circulating in their County One Month at least before the Twenty-fifth of *March* next: Provided always, that any One Parish now maintaining its own Highways may constitute any One of such Districts: Provided also, that it shall be lawful for the said County Roads Board from Time to Time, if they shall see Occasion, to alter the Limits of any such District, and thereafter to make such Orders, according to the Powers vested in them by this Act, as may be found necessary in consequence of such Alterations; and every Order by which such Alteration is made shall, within One Month after such Order is made, be published in like Manner as the Order for the Formation of the District.

Power to County Roads Board to alter Limits of Districts from Time to Time.

Power to place Highways under the Care, &c. of local Boards, to be styled Highway Boards.

II. That the Maintenance and Repairs of the several Highways situate and being within the several Districts which shall be formed according to the Provisions herein-before contained shall, subject to the Authority of the said County Roads Board, be placed under the Care and Management of local Boards, to be styled Highway Boards, which shall be constituted in manner following; that is to say, all Persons who are now elected or who shall hereafter be elected Guardians of the Poor for the Parish or Parishes contained in such District during the Period they are such Guardians, and all Her Majesty's Justices residing within or acting at any Petty Sessions within the District, shall constitute the Highway Board for such District; and such Justices shall not by reason of being Members of such Highway Board be incapable of acting as Justices of the Peace in the Execution of this Act, or in any Matters relating to the Highways under the Care or Management of such Board.

First Meeting of Highway Board.

III. That the First Meeting of every Highway Board under this Act shall be held on such Day and at such Place as the County Roads

Roads Board for the County shall appoint; and Meetings of the said Highway Board shall after such First Meeting be held at such Periods as such Highway Board shall at their First Meeting and afterwards from Time to Time fix and appoint; and all Acts, Matters, and Things executed or done by the Highway Board in pursuance of this Act at any such Meeting, the whole Number present at the Time being not less than Three, shall be valid and effectual; and the Highway Board shall at their First Meeting in the first place elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board; and the said Chairman, or in case of his Absence at the Commencement of any Meeting the said Vice Chairman, shall preside at all Meetings of such Board, and shall have a casting Vote in addition to his own Vote; and in case at the Commencement of any Meeting such Chairman and Vice Chairman shall both be absent, then such other Member as shall be chosen by the major Part of the Members present for the Time being shall preside as Chairman of such Meeting, with the like casting Vote; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse or become incapable to act, such Board shall, at their regular Meeting to be held next after such Death, Resignation, Refusal, or Incapacity, elect and appoint some other Member of the Board in his Stead.

Quorum.

Appointment of Chairman and Vice Chairman.

IV. That the Highway Board for each District respectively shall, subject to the Provisions, Restrictions, and Exceptions in this Act contained, and to the Authorities and Powers of the County Roads Board, superintend the Expenditure of all Monies that shall be raised and collected for the Purposes of such Highways, or for the other Purposes of this Act, as herein-after provided; and the Acts, Orders, Regulations, and Proceedings of every such Highway Board as to all the Matters and Things aforesaid shall be valid, binding, and effectual; and such Board shall cause Accounts to be kept of the Expenditure and Application of all Monies and Materials for the Purposes aforesaid; and the Highway Board for each District respectively shall once in every Quarter examine, check, and verify all the Charges and Items of Expenditure, and when they shall have so audited the several Accounts submitted to them the presiding Chairman shall write a Certificate of such Audit at the Foot of every such Account; and every such Board shall have full Power to disallow any illegal or excessive Item or Charge in such Account, and the presiding Chairman shall report every such Disallowance to the County Roads Board; and the Clerk of the Highway Board, being duly authorized to do so by any Order of the County Roads Board, certified to him by the Clerk of the aforesaid Board, shall recover every Sum so disallowed from the accounting Party, by Application to

Powers and Duties of Highway Board.

Two

Two Justices, who shall be authorized to enforce the Payment of the same in like Manner as Penalties under the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter 50.

Highway Board of each District to hold an Annual General Meeting for examining Accounts, &c.

V. That the Highway Board for each of the said Districts respectively shall and they are hereby required to hold One General Annual Meeting for receiving and examining the Accounts relating to the several Highways within their District on some Day to be appointed by the County Roads Board of each County in which the aforesaid Districts are respectively situated, and to transmit a Copy of the Accounts, so examined, and signed by the Chairman or Vice Chairman of the said Board, to the Clerk of the County Roads Board, together with any Report or Observations which they may think fit to make.

Power to County Roads Board to appoint District Surveyors.

VI. That every County Roads Board acting in and for each of the said Counties respectively shall, at their Meeting to be held next after the Division of such County into Districts for the Management of the Highways shall have been determined and declared, by Writing, upon which no Stamp or other Duty shall be payable, appoint One Surveyor for each District declared as aforesaid, to overlook the Management and Repairs of the several Highway Districts in their County, and shall also determine the Salaries to be paid to such Surveyors respectively; and the Board may from Time to Time remove the said Surveyors, and, so often as the said Offices or any of them shall become vacant, shall appoint other fit and proper Persons for the same; and the Salaries of all such Surveyors shall be paid out of the Highway Rate, and shall be, by an Order made by the County Roads Board, apportioned amongst and charged upon the Parishes within each respective District, in the same Manner and in the same Proportions as the County Rate is now chargeable.

Duties of the District Surveyor.

VII. That it shall be the Duty of the Surveyor of every District, subject to the Direction and Control of the Highway Board, to provide for the keeping of the said Highways in a good and sound State of Repair, and to cause all Works necessary for that Purpose to be executed in a competent and efficient Manner, and to receive, and hold to the Account of such Board, all Monies paid to him by the Surveyors of the Highways of the several Parishes, and to pay and disburse such Monies from Time to Time according to the Directions which shall be prescribed by the Highway Board; and to keep a true and exact Account of all Receipts and Disbursements received or made in respect to the Highways within his District, to be produced before the said Board at the regular Meetings thereof,

or

or at such other Times as the said Board may direct, and to transmit Copies of all Entries in such Account to the Clerk of the said Highway Board at such periodical or other Times as the said Board shall direct, and to attend the Meetings of such Board, and to prepare from Time to Time such Estimates, Surveys, Reports, and Accounts as may be required by this Act or by any Order of such Board or of the said County Roads Board; and every such District Surveyor when so appointed shall, for all the Purposes of this Act, except the making, assessing, and levying the Rate, have, as far as the same are applicable, the same Powers, and be liable to the same Duties, Penalties, and Forfeitures, as any Surveyor appointed under the Act of the Sixth Year of King *William* the Fourth, "to consolidate and amend the "Laws relating to Highways in that Part of *Great Britain* called "*England*," and shall have the laying out of all Monies levied and received by the Surveyors of the several Parishes within his District, and such Penalties and Forfeitures shall be recovered in manner provided by such Act in relation to Penalties and Forfeitures thereby authorized to be imposed: Provided nevertheless, that such District Surveyor shall not expend any Monies levied in any One of the Parishes within his District, except for the Use and Benefit of the Parish in which it is so levied, unless with the Consent of the Inhabitants of such Parish in Vestry assembled, for the Purpose of carrying on Repairs or beneficial Improvements for the common Benefit of the Parishes aforesaid, and shall keep separate and distinct Accounts for each Parish within his District, and such Accounts shall specify the different Sums, and the Persons to whom and by whom the same shall have been paid.

5 & 6 W. 4. c. 50.

VIII. That every District Surveyor may and is hereby authorized to contract for the purchasing, getting, and carrying the Materials required for the Repair of the Highways within his District; and no Member of any County Roads Board or Highway Board, and no Parochial or District Surveyor, shall, except as herein-after excepted, on his own Account, directly or indirectly, be interested or concerned in any Contract or Bargain for Work or Materials, Tools or other Things, for making or repairing or in any way relating to the Highways for which they respectively act; and if any such Member of any County Roads Board or Highway Board, or any Parochial or District Surveyor, be so interested or concerned in any Contract or Bargain as aforesaid, he shall for every such Offence forfeit the Sum of Fifty Pounds; and any Person may sue for the same by Action of Debt on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit, and shall, from and after the Conviction of any such Offence, be incapable of acting as a Member of any County Roads Board or

District Surveyors to contract for Materials, &c.

Highway Board, or as a Surveyor of the Highways of any Parish, or of any District created by this Act; and every such Contract and Bargain shall be void: Provided always, that no Act done by any such Member of any County Roads Board, Highway Board, or Surveyor, previously to his being convicted of any such Offence, shall be thereby rendered invalid: Provided also, that nothing in this Enactment contained shall be construed to extend to any Purchase Money, Damages, Rent, Recompence, or Satisfaction agreed upon or awarded to such Member of any County Roads Board or Highways Board, or to any such Surveyor, for Lands, Tenements, or Hereditaments purchased or taken for the Purpose of diverting or altering or for the Use of any Highway, or for a Repository for Materials to be used thereon, or for the Damage done to any inclosed or private Grounds of any such Member of any County Board or of any Highways Board, or Surveyor, in taking Materials therefrom, or in carrying or conveying them over the same, nor to prevent any such Member of any Roads Board or Surveyor from selling or disposing of, for the Use of any Highway, any Materials dug or gotten in or from or any Timber grown or growing on the Land of such Member of any Roads Board or Surveyor, nor shall any such Member of any Roads Board or Surveyor be liable to or incur any such Forfeiture or Incapacity as aforesaid by reason only of his being Proprietor or Holder of any Share in any Canal or Railway Company which shall contract with the District Surveyor for the Carriage or Conveyance of any Materials for the Repair of the Highway.

Existing Surveyors of Highways to continue.

IX. That nothing contained in this Act shall be construed to repeal any of the Provisions of the said Act of the Sixth Year of King *William* the Fourth with regard to the Appointment of a Surveyor of Highways in each Parish as heretofore, and such Surveyor shall make, assess, and levy the Rate for the Repair of the Highways as heretofore, and shall, from Time to Time as the Highway Board shall direct, pay over all Monies arising therefrom to the District Surveyor of the District in which such Parish is situate, and all Money so payable to the District Surveyor may be recovered from the Parochial Surveyor in like Manner as Balances due from a Surveyor are recoverable under the said Act of the Sixth Year of King *William* the Fourth.

Power to Highway Board to appoint a Clerk, and, with Consent of County Roads Board, fix Salary.

X. That every Highway Board shall at their First Meeting, by Writing, upon which nevertheless no Stamp or other Duty shall be payable, appoint a fit and competent Person to be Clerk to such Board, and shall also, with the Consent of the County Roads Board, determine the Amount of Salary to be paid to such Clerk, and the Portion to be paid by each Parish within the District

trict of such Highway Board of such Salary; and such Salary shall be paid by an Order of the Highway Board upon the District Surveyor out of the Highway Rate; and the said Board may at any Time, with the Consent of the County Roads Board, but not otherwise, dismiss any Person so appointed; and so often as the said Office shall become vacant by such Dismissal, or by Death, Resignation, or otherwise, the said Highway Board shall at their next regular Meeting, or as soon after as conveniently may be, appoint some other fit and proper Person to the same.

Duties of Clerk.

XI. That the Clerk to such Board shall attend all Meetings thereof, and shall conduct all Correspondence of such Board, and shall keep all Papers and Documents committed to his Care, and shall give such Notices and perform such other Duties as he may be required to perform by the Orders of such Board.

District Surveyor to give Security.

XII. That every County Roads Board shall and they are hereby required to take sufficient Security from every District Surveyor to be appointed by them under the Powers of this Act for the due and faithful Execution of his Office before such Surveyor shall enter upon his Office.

Highway Board to cause Orders &c. to be entered in Books, which shall be Evidence, and be open to Inspection.

XIII. That every Highway Board shall cause Notes, Minutes, or Copies, as the Case may require, of all the Orders and Proceedings of such Board at the several Meetings thereof to be duly entered in Books to be from Time to Time provided for that Purpose; and such Books shall be Evidence, in all Proceedings in Law or in Equity, of the Orders and Proceedings therein entered, without further Proof; and such Books, and also the Copies of the District Surveyors Accounts which shall be transmitted to the said Clerk, shall at all seasonable Times be open to the Inspection of all Members of such Boards, and of every Person rated or liable to be rated to the Highway Rate in any Parish of the District, without Fee for such Inspection; and all such Members and Persons respectively shall be entitled at seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of any Highway Board shall not permit any of such Members or Persons respectively to inspect any such Books or Copies of Accounts, or to take Copies or Extracts therefrom as aforesaid, such Clerk shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, forfeit and pay a Sum not exceeding Five Pounds.

Penalty for refusing to allow Inspection, &c.

Secretary of State to cause

XIV. That One of Her Majesty's Principal Secretaries of State may cause to be prepared such Forms of Accounts and Estimates, and

Forms of Accounts to be prepared.

and of such Statement or Abstract as herein-after mentioned, as he may deem proper, for the Use of the several Highway Boards and District Surveyors and Clerks; and an annual Statement or Abstract of the Accounts of every such Highway Board and of their Surveyor shall be framed by the Clerk to such Board, and transmitted to One of Her Majesty's Principal Secretaries of State.

Regulations as to the Adoption of new Roads to be maintained as public Roads under this Act.

XV. And with respect to the Adoption of new Roads to be maintained as public Roads under this Act, be it enacted, That no Road or Occupation Way made or hereafter to be made by or at the Expense of any Individual or private Person, Body Politic or Corporate, shall be deemed or taken to be a public Road, to be repaired and maintained according to the Provisions of this Act, unless the Person, Body Politic or Corporate, proposing to dedicate such Road to the Use of the Public, shall give Three Calendar Months previous Notice in Writing to the District Surveyor of the District of his Intention to dedicate such Road to the Use of the Public, describing its Situation and Extent; and the said District Surveyor, upon receiving such Notice, shall view the same, and shall report to the Highways Board of the District whether such Road is well and properly laid out and made, and whether the same is of sufficient public Utility to justify its being kept in repair and maintained as one of the Highways of such District; and if the said Board shall be satisfied, upon such Report or otherwise, that the said Road ought to be so kept in repair and maintained, they shall certify in Writing accordingly; and such Certificate, signed by the Chairman of the Highway Board for the Time being, shall be transmitted by him to the County Roads Board of such County; and thereupon, after the said Road shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, the same shall thenceforth become one of the Highways of such County, and shall thereafter be repaired and maintained according to the Provisions of this Act.

Proceedings in case Highways are not kept in repair.

XVI. That from and after the passing of this Act, if any Highway is out of repair, or is not well and sufficiently repaired and amended, and Information thereof on the Oath of One credible Witness is given to any Justice of the Peace, it shall and may be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the District in which such Highway is situated, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned to be held within the Division in which the said Highway may be situate, and the said Justices shall either appoint

appoint some competent Person to view the same, and report thereon to the Justices in Special Sessions assembled on a certain Day and Place then and there to be fixed, at which the said District Surveyor or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Special Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the Person so appointed by them to view, or on the View of the said Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last mentioned Special Sessions shall make an Order or Orders on the Parochial Surveyor or Surveyors within whose Parish or Parishes the aforesaid Highway is situate, or other Person or Bodies Politic or Corporate liable to the Repair of such Highways, by which Order they shall limit and appoint a Time for the repairing of the same, and shall make an Order requiring the Parochial Surveyor or Surveyors aforesaid, or other Party or Body Politic or Corporate liable to the Repair of the said Highway, to pay to the District Surveyor, at such Time as they shall direct, a Sum of Money to be therein stated, which shall be equal in Amount to the Sum which the said Justices shall on the Evidence produced before them judge requisite for the repairing such Highway; and in default of such Money being paid within the Time so limited the paid Parochial Surveyor or Surveyors shall forfeit and pay to the District Surveyor a Sum of Money, to be stated in a Second Order, which shall be equal in Amount to the Amount stated in the First Order as requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under the Act of the Fifth and Sixth Years of King *William* the Fourth, for consolidating and amending the Laws relating to Highways in *England*, and such Money, when recovered, shall be applied to the Repair of such Highway; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their Order what Proportion shall be paid by each of the said Parties: Provided nevertheless, that the said Justices shall not have Power to make such Orders as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

Power to Justices to order Highways to be repaired at the Expense of the Parties liable.

Money for repairing Highways recoverable under 5 & 6 W. 4. c. 50.

XVII. That, except as herein otherwise provided, all the Provisions of the said Act of the Sixth Year of King *William* the Fourth shall remain in force, and be applicable to the Highways to be managed under this Act, and the said Act and this Act shall be construed together as One Act.

Provisions of 5 & 6 W. 4. c. 50. to remain in force, except as otherwise provided.

In construing this Act South Wales to include Six Counties.

XVIII. That in the Construction of this Act *South Wales* shall include and comprise the Six Counties following, and no others; viz., the Counties of *Glamorgan*, *Brecknock*, *Radnor*, *Carmarthen*, *Pembroke*, and *Cardigan*.

Interpretation of Terms in this Act.

XIX. That in construing this Act the Words and Expressions following shall have the several Meanings herein assigned to them, unless such Meaning shall be inconsistent with the Context; that is to say, Words importing the Singular Number shall include the Plural Number; and Words importing the Plural Number shall include the Singular Number; the Word "Person" shall include Corporation, whether sole or aggregate; Words importing the Masculine Gender shall include the Feminine; the Word "Lands" shall include all Messuages, Tenements, and Hereditaments; the Word "Parish" shall include any Township, Tithing, Vill, or other Place or District maintaining its own Highway; the Word "Highways" shall mean all public or common Roads, Bridges (not being County Bridges), Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, and Pavements; the Word "Justices" shall mean Justices of the Peace for the County, Riding, Division, City, Town, Borough, Liberty, or Place in which the Highway may be situate (or in which the Offence may be committed); the Words "Quarter Sessions" shall include General or Quarter Sessions, or any Adjournment thereof; the Words "Petty Sessions" shall mean the Petty Sessions held for the Division or Place in which the Highway may be situate, or in which the Offence may be committed; the Word "Month" shall mean Calendar Month; and where any Number of Days is specified, the same shall be reckoned exclusively of the Days to and from which Computation is directed to be made.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

the contrary notwithstanding: Provided always, that it shall be lawful for the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, from Time to Time and at all Times, in like Manner, to vary, alter, and amend the said Code of Practice and Pleading as to them shall seem fit: And whereas under the Provisions of the said Act certain General Orders have been made by the Judges of the Superior Courts of Common Law in *Ireland*, regulating the Practice and Pleading in the Courts of Queen's Bench, Common Pleas, and Exchequer, and the Court of Exchequer Chamber in *Ireland;* but Doubts have arisen whether the said recited Provision of the said Act extends to the said Court of Exchequer Chamber; and it is expedient that such Doubts should be removed: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The recited Provision to extend to the Court of Exchequer Chamber in Ireland.

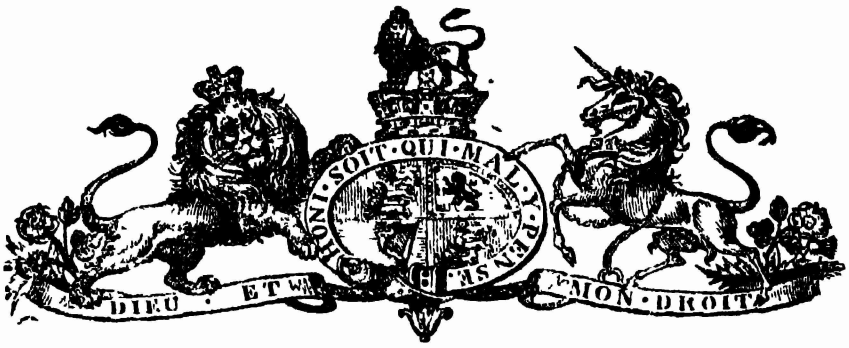
I. That the said recited Provision shall extend and shall be construed to extend and to have extended to the said Court of Exchequer Chamber in *Ireland;* and that any General Rules and Orders heretofore made, or which shall hereafter be made, by the Judges of the Superior Courts of Common Law in *Ireland*, relating to the said Court of Exchequer Chamber, and purporting to be made under and pursuant to the said Provisions of the said Act, shall be, and be deemed to be and to have been, as good and valid to all Intents and Purposes as if the same related to any other of the said Superior Courts of Common Law, subject nevertheless to the Power of Revision or Alteration of the same, as by the said recited Act provided.

Recited Act extended to Exchequer Chamber, and Time for Claims for Compensation to Officers of the Exchequer Chamber extended to Six Months after the passing of this Act.

II. And whereas by the Thirty-seventh Section of the said recited Act it is provided, that every Person holding any Office or Employment in the said several Courts who shall by the Operation of the said Act be deprived of such Office or Employment, or any Emolument arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months from the passing of the said recited Act, and the said Commissioners are empowered to award to such Persons such Compensation as they shall think just, and Provision is made for the Payment of such Compensation in the Manner therein mentioned: Be it declared and enacted, That the said Provision shall extend and be deemed and construed to extend and to have extended to any Person holding any Office or Employment in the said Court of Exchequer Chamber in *Ireland* who by the Operation of the said Act and this Act, or either of them, has been or shall be deprived of such Office or Employment, or any Emolument arising therefrom:

therefrom: Provided always, that such Person shall be entitled to make a Claim for Compensation to the said Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Duties continued for One Year.

I. All the several Sums of Money and Duties and Composition for Duties granted by the said first-recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of One Year, to commence on and to be computed from the Tenth Day of *October* One thousand eight hundred and fifty-one.

Recited Acts and other Acts continued in force.

II. The said first-recited Act, and all and every other Act and Acts now in force in relation to the Duties and Composition for Duties which are continued by this Act, shall severally be continued and remain in full Force in all respects in relation to the said Duties and Composition for Duties hereby continued and granted, and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties and Composition for Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said Duties and Composition for Duties, and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties and Composition for Duties hereby granted.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XIX.

An Act for the better Prevention of Offences.

[3d *July* 1851.]

WHEREAS it is expedient to make further Provision for the Prevention of Burglary and other Offences in the Night: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That—

Any Person found by Night armed, &c. with Intent to break into any House and commit any Felony therein or having in his Possession, without lawful Excuse, any Implements of Housebreaking, or having his Face disguised, or being found by Night in any House with Intent to commit any Felony therein, shall be guilty of a Misdemeanor.

I. If any Person shall be found by Night armed with any dangerous or offensive Weapon or Instrument whatsoever with Intent to break or enter into any Dwelling House or other Building whatsoever and to commit any Felony therein, or if any Person shall be found by Night having in his Possession without lawful Excuse (the Proof of which Excuse shall lie on such Person) any Picklock Key, Crow, Jack, Bit, or other Implement of Housebreaking, or if any Person shall be found by Night having his Face blackened or otherwise disguised, with Intent to commit any Felony, or if any Person shall be found by Night in any Dwelling House or other Building whatsoever with Intent to commit any Felony therein, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be

be liable at the Discretion of the Court to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Any Person convicted of such Misdemeanor after a previous Conviction of Felony or such Misdemeanor, guilty of Misdemeanor, &c. Form of Indictment.

II. If any Person shall be convicted of any such Misdemeanor as aforesaid committed after a previous Conviction, either for Felony or such Misdemeanor as aforesaid, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years and not exceeding Ten Years, or imprisoned, with or without Hard Labour, for any Term not exceeding Three Years; and in any Indictment for such Misdemeanor committed after a previous Conviction as aforesaid it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony or Misdemeanor against "The Act for the better Prevention of Offences, 1851," (as the Case may be,) without otherwise describing the previous Felony or Misdemeanor; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony or Misdemeanor, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Certificate of previous Conviction.

Persons using Chloroform, &c. in order to commit a Felony, guilty of Felony.

III. And whereas it is expedient to make further Provision for the Punishment of Persons using Chloroform or other stupifying Things in order the better to enable them to commit Felonies: Be it enacted, That if any Person shall unlawfully apply or administer, or attempt to apply or administer, to any other Person any Chloroform, Laudanum, or other stupifying or overpowering Drug, Matter, or Thing, with Intent thereby to enable such Offender or any other Person to commit, or with Intent to assist such Offender or other Person in committing, any Felony, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported for Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Persons inflicting grievous bodily Harm guilty of a Misdemea-

IV. And whereas it is expedient to make further Provision for the Punishment of aggravated Assaults: Be it enacted, That if any Person shall unlawfully and maliciously inflict upon any other Person, either with or without any Weapon or Instrument, any grievous bodily

bodily Harm, or unlawfully and maliciously cut, stab, or wound any other Person, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years: Provided however, that nothing herein contained shall be deemed or taken to repeal the Provisions of the Twenty-ninth Section of the Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Thirty-four.

nor, and liable to Three Years Imprisonment.

Not to repeal Sect. 29. of 10 Geo 4. c. 34.

V. If upon the Trial of any Indictment for any Felony, except Murder or Manslaughter, where the Indictment shall allege that the Defendant did cut, stab, or wound any Person, the Jury shall be satisfied that the Defendant is guilty of the cutting, stabbing, or wounding charged in such Indictment, but are not satisfied that the Defendant is guilty of the Felony charged in such Indictment, then and in every such Case the Jury may acquit the Defendant of such Felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such Defendant shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for the Misdemeanor of cutting, stabbing, or wounding.

On the Trial of any Indictment for feloniously cutting, &c. the Jury may acquit of the Felony, and convict of unlawfully cutting, &c.

VI. If any Person shall wilfully and maliciously put, place, cast, or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall wilfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall wilfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall wilfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall wilfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any Engine, Tender, Carriage, or Truck using such Railway, or to endanger the Safety of any Person travelling or being upon such Railway, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Persons wilfully placing Wood, &c. on Railways, taking up Rails, &c. turning Machinery, or showing Signals, &c., with Intent to commit Injuries to Railway or endanger the Safety of Persons, guilty of Felony.

VII. If any Person shall wilfully and maliciously cast, throw, or cause to fall or strike against, into, or upon any Engine, Tender, Carriage, or Truck used upon any Railway, any Wood, Stone, or other Matter

If any Person shall cast any Wood, &c. upon any

Railway Carriage with Intent to endanger the Safety of any Person therein, such Person to be guilty of Felony, &c.

Matter or Thing, with Intent to endanger the Safety of any Person being in or upon such Engine, Tender, Carriage, or Truck, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Any Person wilfully setting fire to any Railway Station, &c. guilty of Felony.

VIII. If any Person shall wilfully and maliciously set fire to any Station, Engine House, Warehouse, or other Building belonging or appertaining to any Railway, Dock, Canal, or other Navigation, every such Person shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years; and if any Person shall wilfully and maliciously set fire to any Goods or Chattels being in any Building, the setting fire to which is made Felony by this or any other Act of Parliament, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Ten Years nor less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Upon the Trial of Persons for subsequent Offences under the 12 & 13 Vict. c. 11. and this Act the previous Conviction not to be stated to the Jury or given in Evidence until after a Verdict of Guilty of the subsequent Offence, unless the Defendant gives Evidence of good Character.

IX. And whereas Provision is made in a certain Act of Parliament passed in the Twelfth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws in* England *and* Ireland *relative to Larceny and other Offences connected therewith*, and also in this Act, for the more exemplary Punishment of Persons who shall commit certain Offences after One or more previous Conviction or Convictions for the like or other Offences, and it is expedient to define the Time of charging the Jury to inquire as to such previous Conviction or Convictions: Be it enacted, That it shall not be lawful on the Trial of any Person for any subsequent Offence, where a Plea of Not Guilty shall have been entered on his Behalf, to charge the Jury to inquire concerning any previous Conviction until they shall have inquired concerning such subsequent Offence, and shall have found such Person guilty of the same; and whenever in any Indictment any previous Conviction shall be stated the reading of such Statement shall be deferred until after such Finding as aforesaid: Provided, that if upon the Trial of any Person for any such subsequent Offence as aforesaid such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for

for the previous Offence or Offences, before such Verdict of Guilty shall have been returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

X. It shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any Offence against the Provisions of this Act, and to convey him or deliver him to some Constable or other Peace Officer, in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law.

Any Person may apprehend Persons committing Offences against this Act, and convey them before a Justice.

XI. And whereas Doubts have been entertained as to the Authority to apprehend Persons found committing indictable Offences in the Night: For Remedy thereof be it enacted, That it shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any indictable Offence in the Night, and to convey him or deliver him to some Constable or other Peace Officer, in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law.

Any Person may apprehend Persons committing indictable Offences in the Night, and convey them before a Justice.

XII. If any Person liable to be apprehended under the Provisions of this Act shall assault or offer any Violence to any Person by Law authorized to apprehend or detain him, or to any Person acting in his Aid and Assistance, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Any Person assaulting a Person entitled to apprehend him to be guilty of a Misdemeanor.

XIII. The Time at which the Night shall commence and conclude in any Offence against the Provisions of this Act shall be the same as in Cases of Burglary.

The Night, in Offences against this Act, to be as in Burglary.

XIV. In all Prosecutions for any Offence against the Provisions of this Act, it shall be lawful for the Court before which any such Offence shall be prosecuted or tried to allow the Expenses of the Prosecution in all respects as in Cases of Felony.

Costs of Prosecutions.

XV. Nothing in this Act contained shall be deemed to repeal wholly or in part the Fifth of *George* the Fourth, Chapter Eighty-three, intituled *An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds, in that Part of* Great Britain *called* England, but no Person shall be liable to be punished for the same

Nothing in this Act to repeal 5 G. 4. c. 83.

same Offence both under the said last-mentioned Act and under this Act.

Not to extend to Scotland.

XVI. Nothing in this Act shall extend to *Scotland.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same.

Provisions of recited Act extended to Fee farm and other Rents under Leases for Lives or for Years, save as herein excepted.

I. That all the Powers, Remedies, Provisions, and Enactments referred to and contained in the said herein-before mentioned Sections of the said recited Act shall henceforth extend and be applicable to all Fee-farm Rents, and also to other Rents reserved and payable under any Grants, Conveyances, or written Instruments granting or containing Agreements for granting any Lands, Tenements, or Hereditaments in Fee Simple, or for a Life or Lives, or for Years, or for a Life or Lives and a Term of Years, or for a Life or Lives concurrent with a Term of Years, and reserving or purporting to reserve there out Rent payable to the Grantor or Party agreeing to make such Grant, or to his or their respective Representatives, where the Person to whom such Rent is or shall be payable has or shall have no Reversion in such Land; save and except that nothing in this Act contained shall give or confer or be deemed to give or confer any Remedy by Ejectment for Nonpayment of Rent, in the Case of any Fee-farm Rent or Rent reserved upon any Grant or Agreement for a Grant in Fee (other than a Fee-farm Rent under the said recited Act); and save and except that nothing herein contained shall extend or refer to or include the Provisions contained in the said Twenty-first Section of the said recited Act relating to the Lien or Charge in the said Section mentioned: Provided always, that in any Avowry or Cognizance in pursuance of the Provisions of this Act for any Rent it shall not be necessary to describe any such Grant or Instrument as aforesaid as a Grant or Instrument made under or after the passing of the said recited Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXI.

An Act to amend an Act of the Sixth and Seventh Years of Her Majesty, to amend an Act of the Nineteenth and Twentieth Years of King *George* the Third for empowering Grand Juries in *Ireland* to present Bridges, and Tolls to be paid for passing the same, in certain Cases.

[3d *July* 1851.]

WHEREAS by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Nineteenth and Twentieth Years of King* George *the Third, for empowering Grand Juries in* Ireland *to present Bridges, and Tolls to be paid for passing the same, in certain Cases*, it is amongst other things enacted, that it shall and may be lawful for the Grand Jury or the Grand Juries of any County and County of a City or Town in *Ireland*, and they are thereby authorized and empowered, to agree with the Companies, Commissioners, Corporations, or Persons possessed of and interested in and having any Lien or Incumbrance on the Tolls payable on any Bridge upon which Toll is charged, situate in such Counties or Cities or Towns, or within Five Miles thereof, for the Purchase thereof, and the said Companies, Commissioners, Corporations, and Persons are hereby authorized to agree with the said Grand Jury or Grand Juries for the Sale thereof, subject to the Regulations and Provisions in the said Act contained: And whereas it is expedient to extend 6 & 7 Vict. c. 42.

extend the Provisions of said recited Act by enabling Persons having limited Estates or Interests in such Tolls, and Persons having Estates or Interests in the same, being under legal Disability, to agree with the Grand Jury or Grand Juries of any County, County of a City, or County of a Town as aforesaid, for the Sale of the absolute and entire Interest in such Tolls: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Parties having limited Interests, or being under Disability, enabled to sell and convey to Grand Juries in Ireland the Tolls of Bridges.

I. That it shall and may be lawful for all or any of the Parties herein-after enumerated, having Estates or Interests in such Tolls upon any Bridge as aforesaid, to agree with the Grand Jury or Grand Juries of the County, County of a City, or County of a Town in which or within Five Miles of which such Bridge is situated, or if such Bridge is situated in Two Counties, with the Grand Juries of the said Counties, for the Sale of the entire and absolute Estate and Interest in such Tolls, that is to say, all Tenants in Tail or for Life, or other partial or qualified Estates or Interests, married Women seised in their own Right, Guardians, Committees of Lunatics and Idiots, Trustees, or any Feoffees in Trust for Charitable or other Purposes, Executors, or Administrators, for the Time being entitled to the Receipt of such Tolls; and the Power so to agree for such Sale may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeasance of the Estates of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians, on behalf of their Wards, and as to such Committees, on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Power if they had respectively been under no Disability.

Purchase Money of such Parties to be deposited in Bank, subject to the Order of the Court of Chancery.

II. It shall be lawful for such Grand Jury or Juries, and they are respectively hereby authorized and empowered, to enter into such Agreements with such Person or Persons as if he, she, or they were entitled to an absolute Estate or Estates in the said Tolls, and were legally competent to contract for the Sale of the same; subject nevertheless to the Proviso contained in said recited Act in relation to the Manner and Conditions of Presentments to be made in pursuance thereof; and the Amount of the Purchase for such Tolls, upon Agreements made under this Act, shall be ascertained by a Notary Public,

Public, to be chosen and appointed for that Purpose by the said contracting Parties to such Agreements, and such Amount shall be estimated upon an Average of the Sum received for Tolls upon such Bridge for Three Years immediately preceding such Agreement; and the Purchase Money which shall be payable in respect of the said Tolls, or any Interest therein, purchased by the Grand Jury or Grand Juries of any such County or Counties, County of a City or Town, as aforesaid, from any Tenant for Life or in Tail, married Woman seised in her own Right, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Persons having a partial or qualified Interest only in such Tolls, and not entitled to sell the same except under the Provisions of this Act, shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland* (but free from any Charge for Ushers Poundage), to be placed to the Account there of such Accountant General, *ex parte* such Grand Jury or Grand Juries of any County, Counties or County of a City or Town, purchasing as aforesaid, pursuant to the Provisions prescribed by any Act for the Time being in force for regulating Monies paid in as aforesaid; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Discharge of any Debt or Incumbrance affecting the Tolls in respect of which such Money shall have been paid;

In the Purchase of Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes and in the same Manner as the Tolls in respect of which such Money shall have been paid stood settled;

Or in Payment to any Party becoming absolutely entitled to such Money:

Provided always, that in every Case where any Person having an Estate or Interest in such Tolls shall only be entitled for an Estate for Life in the same, it shall and may be lawful for such Court (if it shall so think fit) to allocate the said Purchase Money to and amongst the several Persons entitled thereto, whether in possession, remainder, or reversion, and to order Payment to such Tenant for Life of the Principal of such Share of the Purchase Money as may be so allocated to him or her as aforesaid, or to make such other Order in the Premises as to such Court shall seem meet and just and reasonable.

Order for Application and Investment of such Monies.

III. Such Money may be so applied as aforesaid upon an Order of the Court of Chancery in *Ireland* made upon the Petition of any Party who would have been entitled to the Tolls in respect of which such Money shall have been deposited, or any Part thereof, and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Government Stock, and the annual Proceeds thereof paid to the Party who would for the Time being have been entitled to the Receipt of the said Tolls.

IV. From

The Tolls to cease from the Time of such Payment into Bank.

IV. From and after the Payment of the said Purchase Money into the Bank of *Ireland* as aforesaid the said Tolls in respect of which such Purchase shall have been made shall cease, and the Passage of such Bridge in respect of which such Toll shall have been payable shall be open and free to all Cattle, Carriages, and Persons whatsoever.

Certain Presentments already made for the Purchase of Tolls of Bridges may be proceeded in and executed under this Act.

V. And whereas under and by virtue of the Provisions of the said recited Act certain Grand Juries of Counties have, before the passing of this Act, entered into Agreements for the Purchase of certain of such Tolls of Bridges as aforesaid from the Parties possessed of and interested in the same, and Presentments have been already made by such Grand Juries for the Purchase of such Tolls, and for raising and levying the Amount of the Purchase Money thereof under the Provisions of the said Act; and it is expedient that such Proceedings should be rendered effectual and capable of being carried into execution under the Provisions of this Act: Be it therefore enacted, That in any case where any Agreement has been already made by any such Grand Jury or Grand Juries of a County or Counties for the Purchase of any such Tolls of a Bridge as aforesaid, from the Party or Parties possessed of or interested in the same, and where any Presentment has been made by any such Grand Jury or Grand Juries for the Purchase of such Tolls, and for raising and levying the Purchase Money for the same, under the Provisions of the said recited Act, such Proceedings and Presentment or Presentments heretofore had and made for or relating to the Purchase and Sale of such Tolls shall be and be deemed valid and effectual for the Purposes of this Act; and it shall be lawful for the respective Grand Jury or Grand Juries of such County or Counties, and the respective Parties possessed of and interested in such Tolls, to complete such Purchase and Sale, and to cause the same to be carried into execution under the Provisions of the said recited Act and this Act, and the same shall and may be carried into execution accordingly, and shall be within and subject to the Provisions of the said recited Act and this Act as fully and effectually in all respects as if the said Proceedings and Presentment or Presentments had been had and made in pursuance of and after the passing of this Act.

Extent of Act.

VI. This Act shall extend only to that Part of the United Kingdom called *Ireland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XXII.

An Act to continue the Survey of *Great Britain*, *Berwick-upon-Tweed*, and the *Isle of Man*.

[24th *July* 1851.]

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize and facilitate the Completion of a Survey of* Great Britain, Berwick-upon-Tweed, *and the* Isle of Man: And whereas an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to continue, until the Thirty-first Day of* December *One thousand eight hundred and fifty-one, an Act of the Fourth and Fifth Years of Her present Majesty, for authorizing and facilitating the Completion of a Survey of* Great Britain, Berwick-upon-Tweed, *and the* Isle of Man, and which Acts will expire on the Thirty-first Day of *December* One thousand eight hundred and fifty-one: And whereas it is expedient that the said recited Act of the Fourth and Fifth Years of Her present Majesty should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Fourth and

4 & 5 Vict. c. 30.

9 & 10 Vict. c. 46.

First-recited Act further continued to 31st Dec. 1856.

Fifth Years of Her present Majesty, and all the Powers, Provisions, Matters, and Things therein contained, shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and fifty-six.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

6 G. 4. c. 35. seven: And whereas another Act was passed in the Sixth Year of the Reign of His said last-mentioned Majesty, Chapter Thirty-five: And whereas another Act was passed in the Seventh Year of the Reign of His said last-mentioned Majesty, Chapter Thirty: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said last-mentioned Majesty, Chapter Twelve: And whereas another Act was passed in the same Year, Chapter Forty-seven: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Twenty-four: And whereas another Act was passed in the Third and Fourth Years of the Reign of His said late Majesty, Chapter Thirty-two: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, Chapter Seventy-two: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Fifty-one: And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, Chapter Eighty-eight: And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, Chapter Ten: And whereas another Act was passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nine: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Eighty: And whereas sundry Advances or Loans have been made by the Commissioners of the said recited Acts, for the Purposes in the same Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or Loans are required for the like Objects; and it is deemed expedient to make further Advances of Money out of the Consolidated Fund for the Purposes of such Loans: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

7 G. 4. c. 30.
7 & 8 G. 4. c. 12.
7 & 8 G. 4. c. 47.
1 & 2 W. 4. c. 24.
3 & 4 W. 4. c. 32.
4 & 5 W. 4. c. 72.
7 W. 4. & 1 Vict. c. 51.
1 & 2 Vict. c. 88.
3 & 4 Vict. c. 10.
5 & 6 Vict. c. 9.
9 & 10 Vict. c. 80.

360,000*l.* per Annum to be charged upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

I. That for the Purposes of such Advances or Loans as aforesaid the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after providing for all preceding Charges, but having Preference of all future Charges), and to direct the Issue or the Payment thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt, of a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fourth Day of

of *April* One thousand eight hundred and fifty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and fifty-two.

Commissioners for Reduction of National Debt to be Trustees of PublicWorks Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.

II. That the Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and the said Commissioners for the Reduction of the National Debt shall continue and keep, or cause to be continued and kept, in their Office, a Book or Books in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act for the Purposes of such Loans and Advances, and otherwise, as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made.

Bank to continue the Account already opened with the Commissioners for executing this Act.

III. That the Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, &c.," to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of *England* upon such or the like Certificates under the Hands of the said Commissioners of the said recited Acts and of this Act as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans, as directed by the said recited Acts or some or One of them, in such or the like Manner in all respects

as

as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into the Bank to the Account of Commissioners for executing this Act to make Part of the Consolidated Fund.

IV. That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and, when so transferred, shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners for executing recited Acts to be Commissioners, together with others, for executing this Act.

V. That the several Persons who in and by the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, together with *Henry Berens* Esquire, and *Henry Allan Harrison* Esquire, who have been appointed Commissioners for the Execution of the said recited Acts under the Authority of the same, or some or One of them, and also together with *Henry Lewis Wickham* Esquire shall be, and they, and all future Parties so constituted, are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration.

VI. That the said Commissioners named in and by the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A.B.* do declare, That, according to the best of my Judgment, I
' will faithfully and impartially execute the several Duties, Powers,
' and Trusts vested in me by an Act, intituled [*insert Title of this*
' *Act*], according to the Tenor and Purport of the said Act, and the
' Acts therein recited, and other Acts having reference thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced under this Act to be certified to

VII. That when and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three

Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England;* and such Cashiers or One of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively; provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

the Commissioners for the Reduction of the National Debt.

VIII. That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place.*

Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit.

IX. That all and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall not be affected nor be deemed to have been affected by any Act or Acts of Parliament already passed or to be passed, except so far as the same may by any such

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

such Act, passed or to be passed, be altered, varied, or repealed by express Reference to the said recited Acts or this Act, and all and every the same several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable, and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

LONDON.
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

reason of the great Extent of some Parishes, wherein the Population is very large, this Limitation is found to be productive of Inconvenience, and to prevent the Extension of the Education of the Poor; and it is desirable to make further Provision in this Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Word Parish in the 4 & 5 Vict. c. 38. s. 9. and 12 & 13 Vict. c. 49. s. 3. to signify an Ecclesiastical District in any divided Parish.

I. The Word Parish in the Sections of the Statutes herein referred to shall, in the Case of any Parish which has heretofore been or shall hereafter be divided by lawful Authority into Two or more Ecclesiastical Districts, whether confined to such Parish, or comprising also any Part of another Parish, be construed with reference to such Parish to signify each such Ecclesiastical District.

Incorporation of this Act with recited Acts.

II. This Act shall be construed as and be deemed to be a Part of the said recited Acts, except so far as it amends the same.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXV.

An Act to improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures. [24th *July* 1851.]

WHEREAS it is expedient to amend the Law to prevent or lessen the Evils of the Right to Emblements, and the Loss and Injury arising therefrom, and also the Law relating to growing Crops seized under Executions, and to Agricultural Fixtures: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

On Determination of Leases or Tenancies under Tenant for Life, &c., instead of Emblements Tenant to hold until Expiration of current Year, &c.

I. That where the Lease or Tenancy of any Farm or Lands held by a Tenant at Rackrent shall determine by the Death or Cesser of the Estate of any Landlord entitled for his Life, or for any other uncertain Interest, instead of Claims to Emblements, the Tenant shall continue to hold and occupy such Farm or Lands until the Expiration of the then current Year of his Tenancy, and shall then quit, upon the Terms of his Lease or Holding, in the same Manner as if such Lease or Tenancy were then determined by Effluxion of Time or

or other lawful Means during the Continuance of his Landlord's Estate; and the succeeding Landlord or Owner shall be entitled to recover and receive of the Tenant, in the same Manner as his Predecessor or such Tenant's Lessor could have done if he had been living or had continued the Landlord or Lessor, a fair Proportion of the Rent for the Period which may have elapsed from the Day of the Death or Cesser of the Estate of such Predecessor or Lessor to the Time of the Tenant so quitting, and the succeeding Landlord or Owner and the Tenant respectively shall, as between themselves and as against each other, be entitled to all the Benefits and Advantages, and be subject to the Terms, Conditions, and Restrictions, to which the preceding Landlord or Lessor and such Tenant respectively would have been entitled and subject in case the Lease or Tenancy had determined in manner aforesaid at the Expiration of such current Year: Provided always, that no Notice to quit shall be necessary or required by or from either Party to determine any such Holding and Occupation as aforesaid.

Growing Crops seized and sold under Execution to be liable for accruing Rent.

II. That in case all or any Part of the growing Crops of the Tenant of any Farm or Lands shall be seized and sold by any Sheriff or other Officer by virtue of any Writ of Fieri facias or other Writ of Execution, such Crops, so long as the same shall remain on the Farms or Lands, shall, in default of sufficient Distress of the Goods and Chattels of the Tenant, be liable to the Rent which may accrue and become due to the Landlord after any such Seizure and Sale, and to the Remedies by Distress for Recovery of such Rent, and that notwithstanding any Bargain and Sale or Assignment which may have been made or executed of such growing Crops by any such Sheriff or other Officer.

Tenant may remove Buildings and Fixtures erected by him on Farms, unless Landlord elect to take to them.

III. That if any Tenant of a Farm or Lands shall, after the passing of this Act, with the Consent in Writing of the Landlord for the Time being, at his own Cost and Expense, erect any Farm-building, either detached or otherwise, or put up any other Building, Engine, or Machinery, either for Agricultural Purposes or for the Purposes of Trade and Agriculture, (which shall not have been erected or put up in pursuance of some Obligation in that Behalf,) then all such Buildings, Engines, and Machinery shall be the Property of the Tenant, and shall be removable by him, notwithstanding the same may consist of separate Buildings, or that the same or any Part thereof may be built in or permanently fixed to the Soil, so as the Tenant making any such Removal do not in anywise injure the Land or Buildings belonging to the Landlord, or otherwise do put the same in like Plight and Condition, or as good Plight and Condition, as the same were in before the Erection of anything

so

so removed: Provided nevertheless, that no Tenant shall, under the Provision last aforesaid, be entitled to remove any such Matter or Thing as aforesaid without first giving to the Landlord or his Agent One Month's previous Notice in Writing of his Intention so to do; and thereupon it shall be lawful for the Landlord, or his Agent on his Authority, to elect to purchase the Matters and Things so proposed to be removed, or any of them, and the Right to remove the same shall thereby cease, and the same shall belong to the Landlord; and the Value thereof shall be ascertained and determined by Two Referees, One to be chosen by each Party, or by an Umpire to be named by such Referees, and shall be paid or allowed in account by the Landlord who shall have so elected to purchase the same.

Tenant quitting, leaving Tithe Rentcharge unpaid, Landlord, &c. may pay the same, and recover from the first-named Tenant as if it were a simple Contract Debt.

IV. That if any occupying Tenant of Land shall quit, leaving unpaid any Tithe Rentcharge for or charged upon such Land which he was by the Terms of his Tenancy or Holding legally or equitably liable to pay, and the Tithe Owner shall give or have given Notice of proceeding by Distress upon the Land for Recovery thereof, it shall be lawful for the Landlord, or the succeeding Tenant or Occupier, to pay such Tithe Rentcharge, and any Expenses incident thereto, and to recover the Amount or Sum of Money which he may so pay over against such first-named Tenant or Occupier, or his legal Representatives, in the same Manner as if the same were a Debt by simple Contract due from such first-named Tenant or Occupier to the Landlord or Tenant making such Payment.

Act not to extend to Scotland.

V. Nothing in this Act shall extend to *Scotland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXVI.

An Act to amend the Acts relating to the *British* White Herring Fishery. [24th *July* 1851.]

WHEREAS the following Acts were passed for the Encouragement and Regulation of the *British* White Herring Fishery; *viz.*, an Act of the Forty-eighth Year of King *George* the Third, Chapter One hundred and ten; an Act of the Fifty-first Year of His said Majesty, Chapter One hundred and one; an Act of the Fifty-second Year of His said Majesty, Chapter One hundred and fifty-three; an Act of the Fifty-fourth Year of His said Majesty, Chapter One hundred and two; an Act of the Fifty-fifth Year of His said Majesty, Chapter Ninety-four; an Act of the First Year of King *George* the Fourth, Chapter One hundred and three; an Act passed in the Session of Parliament holden in the First and Second Years of His said Majesty, Chapter Seventy-nine; an Act of the Fifth Year of His said Majesty, Chapter Sixty-four; an Act of the Seventh Year of His said Majesty, Chapter Thirty four; an Act of the First Year of His Majesty King *William* the Fourth, Chapter Fifty-four; an Act of the Session of Parliament holden in the Sixth and Seventh Years of Her present Majesty, Chapter Seventy-nine; and an Act of the Session of Parliament holden in the Tenth and Eleventh Years of Her said Majesty, Chapter Ninety-one: And whereas it is expedient that the said recited Acts should be altered

 and

and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,—

Necessity of the Expiration of Fifteen Days between salting and branding White Herrings repealed.

I. That every Enactment or Provision contained in the said recited Acts or any of them whereby it is or may be held to be required that Fifteen clear Days should intervene between the Day of the salting White Herrings and the Day on which the Barrels containing such Herrings, whether Bung-packed or repacked, should be marked or branded, shall be and the same is hereby repealed.

Commissioners to regulate the Time (being not more than Fifteen Days) between salting and branding

II. That from and after the passing of this Act it shall be lawful for the Commissioners of the Herring Fishery, in virtue of the Powers conferred upon them by the said recited Acts or any of them and by this Act, from Time to Time to regulate and fix the Period which shall intervene between the Day on which White Herrings, whether Bung-packed or repacked, shall be salted, and the Day on which the Barrels containing such Herrings, whether Bung-packed or repacked, shall be entitled to be branded, such Period being not more than Fifteen clear Days after the salting of the same; and the said Commissioners shall, before any Regulations made by them for the Purposes aforesaid are to come into operation, cause Notice thereof to be given by Publication of the same once in the *Edinburgh Gazette*, and also by affixing printed Copies thereof on some conspicuous Place or Places at the various Herring Fishing Stations in *Scotland*; and nothing in the said recited Acts or any of them shall prevent the Exportation, subject to the other Provisions of the said recited Acts, to Ports or Places in *Europe* or out of *Europe*, of Herrings branded within the Periods to be authorized by the Regulations to be so made and published by the said Commissioners.

Penalty for fraudulently branding Barrels filled with Herrings applied to fraudulently branding empty Barrels or Casks.

III. That the Penalties and Forfeiture by the Fiftieth Section of the said recited Act of the Forty-eighth Year of King *George* the Third imposed upon any Person fraudulently burning or branding, or causing to be burnt or branded, any Barrel or Cask of Herrings, shall attach and apply to and be enforced against any Person who shall fraudulently, or without the Authority of an Officer of the Fishery, burn or brand, or cause to be burnt or branded, or illegally have in his Custody or Possession any Instrument for the Purpose of burning or branding, any empty Barrel or Cask, with any such Mark or Marks, Character or Characters as are referred to in the said Section, in such and the like Manner as if such Section as hereby extended were re-enacted herein.

IV. That

IV. That so much of the said recited Acts or any of them as requires that Herrings repacked with Great Salt only shall be exported to any Place out of *Europe* shall be and the same is hereby repealed; and it shall hereafter be lawful to repack Herrings with Great Salt or other Salt, and, subject to the other Provisions of the said recited Acts, to export to any Place out of *Europe* such Herrings so repacked; and it shall in like Manner be lawful to ship Coastwise for Exportation unbranded Herrings, without the Production of any Notice or Certificate required by the said recited Acts.

Repealing the Necessity of repacking Herrings for Exportation with Great Salt.

V. That the Prohibition and Forfeiture applicable under the Thirty-fifth Section of the said recited Act of the Fifty-fifth Year of King *George* the Third to Barrels of Herrings of the Description and containing less than the Quantity and Weight of Fish therein set forth, shipped or tendered for shipping to any Port or Place in *Europe* or out of *Europe*, shall not be applicable or apply to the Exportation to any Port or Place in *Europe* or out of *Europe* of Herrings shipped or intended to be shipped as aforesaid which shall not have lain Ten Days in Salt.

Authorizing the Exportation of Barrels under Weight when the Fish have not been Ten Days in Salt.

VI. That whenever the Herring Fishery is commenced or carried on it shall not be lawful for any Person to use for the Purpose of taking Herrings any Drag Net, or Sea Net mounted for trawling, or any Sweep, Circle, Ring Net, or Scringe Net, or any Net prohibited by the said recited Acts or any of them, or any Net of any Kind or Description whatsoever other than the usual Drift Net, or to use any Drift Net by dragging the same through the Water in the Manner of trawling; nor shall it be lawful to take or have on board of any Fishing Vessel or Boat, during the Time of the Herring Fishery, any Net of any Description other than Drift Nets; and every such Net other than Drift Nets, used as aforesaid, or found on board of any Fishing Vessel or Boat during the Herring Fishery, or found on shore, or in the Possession of any Person for the Purpose of being so used, shall be liable to be seized by any Superintendent of the Herring Fishery, or Person acting under his Order, or by any Officer of the Fishery; and any Person using or having on board any Fishing Vessel or Boat, or having on shore for the Purpose of being used as aforesaid, any Net contrary to the Provisions of the said recited Acts or any of them, or this Act, shall be subject and liable to the Penalties imposed in that Behalf by the said recited Acts or any of them, and any Net so seized shall be liable to Forfeiture in Terms of the said Acts.

As to Nets to be used when the regular Herring Fishery is commenced.

VII. That in order to secure the Delivery to the Purchaser or Curer of the Quantity of Herrings purported to be sold, in Situations where the

For securing the Use of Quarter Cran Basket or Measure.

the Standard Measure of the Cran cannot be conveniently used, no Boat's Crew, while selling and delivering fresh Herrings by Measure, shall use or have on board any Herring Boat any Fish Basket or Measure of less Capacity than One Fourth Part of a Cran, that is to say, such as on being filled Four Times with Herrings shall make a complete Cran; and any Person selling or delivering Herrings by any Basket or Measure of less Capacity than aforesaid shall be liable in the Forfeiture and Penalty imposed by the said recited Act of the Fifty-fifth *George* Third upon Persons using any Cran or Measure not properly branded.

Forfeitures and Penalties by whom to be enforced and sued for.

VIII. That it shall be competent to enforce or sue for any Forfeiture or Penalty imposed by the said recited Acts or any of them or by this Act in the Manner provided by the said recited Acts or this Act, in the Name of the Secretary of the Board for the Time being, or the Procurator Fiscal of the County or of the Burgh or Town where the Offence is to be tried, or by the Superintendent of the Herring Fishery, or by any Officer of the said Fishery.

Sentence for Penalty may contain Decernitûre for Imprisonment, failing Payment or Security.

IX. That it shall be lawful for any Judge trying any Offence under the said recited Acts or any of them or this Act, who in pronouncing Sentence shall decern against any Offender for Payment of any Penalty and Expenses, to grant Warrant also (failing Payment of such Penalty and Expenses, or failing Security being found to the Satisfaction of the Court for such Payment, within Forty-eight Hours after the same shall have been decerned for,) to imprison such Offender for any Period not exceeding Thirty Days, unless such Penalty and Expenses shall be sooner paid.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXVII.

An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in *Scotland*.

[24th *July* 1851.]

WHEREAS an Act was passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and another Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend and continue, until the First Day of* September *One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in* Scotland: And whereas it was by the said Second Act enacted, that the said First Act as amended by the said Second Act should continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Acts should be altered and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

2 & 3 Vict. c. 42.

7 & 8 Vict. c. 34.

I. That

Recited Acts, as amended, and this Act, to be held as One Act.

I. That the said recited Acts, as hereby amended, and this Act, shall continue and be in force during the Period granted by the said last-recited Act, and shall be held and construed as if the same formed One Act.

Repeal of Appointment of Lord Justice General and Lord Justice Clerk to be Members of General Board.

II. That, seeing that Actions may be brought before the Court of Session in which the General Board may eventually be a Party, and it is inexpedient that any Judge of the said Court should be a Member of the General Board, so much of the said first-recited Act as appoints the Lord Justice General in *Scotland* and the Lord Justice Clerk for the Time being to be Members of the General Board of Directors of Prisons in *Scotland* shall be and the same is hereby repealed, and the Lord Justice General and Lord Justice Clerk respectively shall hereafter cease to be Members of the said General Board accordingly.

Lands contiguous to Prisons may be acquired, and Act 8 & 9 Vict. c. 19. incorporated.

III. That it shall be lawful for any County Prison Board, subject to the Provisions of the said recited Acts, to purchase, take, and acquire such Lands contiguous to any Prison as shall by such County Prison Board be deemed necessary for the Purposes of enlarging or rendering more commodious any such Prison; and to enable such County Prison Board to purchase, take, and acquire such Lands, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in so far as applicable to and not inconsistent with, or not otherwise provided for, or not altered and varied by, this or the said recited Acts, shall be incorporated with and form Part of this Act; and the Words "Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall apply to and include any County Prisons Board seeking to acquire Lands under this Act.

Accounts to be published.

IV. That the Prison Board of each County shall publish detailed Accounts of their Revenue and Expenditure under and for the Purposes of the said recited Acts and this Act within the First Week of *September* in every Year, which Accounts shall be printed, and a Copy thereof be furnished to the Commissioners of Supply of the County and to the Town Councils of the Burghs situated therein.

Magistrates of certain Burghs or Places may commit Prisoners to any Gaol within the County.

V. That where, within the Limits of any Burgh or Place being a "Burgh" in the Sense of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same*, or where, within any Burgh which has adopted an Act passed in the Session of Parliament holden in the Third and Fourth Years

Years of the Reign of King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police*, there shall be no legal Prison, or no Prison with adequate Accommodation, it shall be competent and lawful to the Police Magistrate or Magistrates of any Burgh acting under the said last-recited Acts or either of them to commit Prisoners to any Gaol within the County in which any such Burgh is situated, or is by the said recited Act of the Thirteenth and Fourteenth Years of Her present Majesty held to be situated, in such and the like Manner as such Magistrate or Magistrates would have been entitled to commit Prisoners to the Gaol of such Burgh if there had been a Gaol therein, and under the like Rights and Liabilities as to the Maintenance of such Prisoners, and the Officers of such Magistrates shall have Power to carry the Prisoners to such Gaol.

Juvenile Male Offenders may be punished by private Whipping.

VI. That in every Case where it is at present competent for any Judge or Magistrate to award Sentence of Imprisonment or of Fine, with the Alternative of Imprisonment, it shall be lawful for such Judge or Magistrate in the Case of any Juvenile Offender, being a Male, whose Age, in the Opinion of such Judge or Magistrate, shall not exceed Fourteen Years, to adjudge such Offender, instead of Imprisonment, or of Imprisonment and Hard Labour, or in addition to Imprisonment, or Imprisonment and Hard Labour, to be punished by private Whipping in such Manner and according to such Regulations as shall be made by the Lord Advocate of *Scotland* in that Behalf, and sanctioned by One of Her Majesty's Principal Secretaries of State, anything in any Act of Parliament to the contrary notwithstanding.

Sentence of Imprisonment may be accompanied with Hard Labour, and Rules in respect thereof to be made, and to be approved of by One of Her Majesty's Principal Secretaries of State.

VII. That in all Cases in which a Sentence of Imprisonment may be awarded for any Crime or Offence by any Criminal Court in *Scotland*, it shall be competent for such Court to insert in such Sentence of Imprisonment an Order that such Imprisonment shall, during the whole or any Part of the Term thereof, be accompanied with Hard Labour, and such Imprisonment shall in every Case of such Order be so accompanied accordingly; and it shall be competent to the General Board, from Time to Time as they shall see Occasion, to make and submit to One of Her Majesty's Principal Secretaries of State Rules as to the Mode of carrying out such Sentences of Hard Labour; and it shall be lawful for such Secretary of State, if he shall think fit, to alter such Rules, and to make additional Rules, and he shall grant a Certificate that such Rules as submitted to him, or altered or added to, are proper to be observed and enforced, and upon such Certificate being granted such Rules shall be by the Secretary of State transmitted to the General

General Board, and shall be effectual; and such Rules shall be entered in the Record of their Proceedings which by the said first-recited Act the General Board are directed to keep; and such Rules shall also be contained in the Annual Report made for the Year in which the same are certified and transmitted as aforesaid, which by the Provisions of the said first-recited Act the General Board are directed to make and transmit to One of Her Majesty's Principal Secretaries of State, and whereof a Copy is by the said Act directed to be laid before both Houses of Parliament.

County Prison Boards may cause Sentences of Imprisonment (subject to Rules of General Board, &c.) to be accompanied with Hard Labour.

VIII. That in all Cases in which a Sentence of Imprisonment for any Period not exceeding Two Months shall be awarded for any Crime or Offence by any Criminal Court in *Scotland*, and in all Cases in which the enforcing proper Discipline upon Criminals undergoing Imprisonment shall seem to them to require it, it shall be competent for each County Prison Board, subject to the Directions of the General Board, and subject also to any Rules which may be certified by the Secretary of State as aforesaid, to cause such Imprisonment, during the whole or any Part of the Term thereof, to be accompanied with Hard Labour.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

The Word "Borough," and the Expressions "Mayor, Aldermen, and Burgesses," and "Borough Fund," have respectively the same Meaning as in the Act for the Regulation of Municipal Corporations:

The Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes:

The Expression "Common Lodging House" includes, in any Case in which only a Part of a House is used as a Common Lodging House, the Part so used of such House.

By whom the Act is to be executed.

III. This Act shall be executed as follows; to wit,

1. Within and for all or any Part of the Metropolitan Police District, by "The Commissioners of Police of the Metropolis," or such One of them as is from Time to Time appointed in that Behalf by One of Her Majesty's Principal Secretaries of State:

2. Within and for all and any Part of any Place not being within the Metropolitan Police District, but being now or hereafter the District of a Local Board of Health, by the Local Board of Health for the District:

3. Within and for all and any Part of any other Place not being within the Metropolitan Police District, and not being the District of a Local Board of Health, but being now or hereafter an incorporated Borough regulated under the Act for the Regulation of Municipal Corporations, or any Act for the Amendment thereof, or any Charter granted in pursuance of any such Act, by the Mayor, Aldermen, and Burgesses of the Borough acting by the Council of the Borough:

4. Within and for all and any Part of any other Place not being within the Metropolitan Police District, and not being the District of a Local Board of Health, and not being such an incorporated Borough, but being now or hereafter the Place within the Limits of an Improvement Act, by the Commissioners, Trustees, or other Body, by whatever Name, known for executing the Improvement Act:

5. Within and for all and any Part of any other Place not being One of the Places herein-before specified, by the Justices of the Peace acting in Petty Sessions for the Place.

As to Expenses of executing this Act.

IV. The Expenses of and incident to the executing of this Act shall be borne and paid as follows; to wit,

1. With respect to the Metropolitan Police District, as Part of the general Expenses of executing the Acts for the Time being in force relating to the Metropolitan Police Force:

2. With

2. With respect to the District of a Local Board of Health, as Part of the Expenses of executing the Acts for the Time being in force relating to the Local Board of Health, and as charged upon and payable out of the Monies carried, under the Public Health Act, 1848, to the District Fund Account of the Local Board of Health:

3. With respect to an incorporated Borough, as Part of the Expenses of carrying into execution within the Borough the Provisions of the Act for the Regulation of Municipal Corporations, and as charged upon and payable out of the Borough Fund of the Borough:

4. With respect to a Place within the Limits of an Improvement Act, as Part of the general Expenses of executing that Act, and as charged upon and payable out of the Monies from Time to Time applicable for those Expenses:

5. With respect to a Place in which this Act is executed by Justices in Petty Sessions, as Part of the general Expenses of the Constablewick of the Place, and as charged upon and payable out of the Monies from Time to Time applicable for those Expenses:

And the Monies from Time to Time required for the Payment of the Expenses of and incident to the Execution of this Act shall be assessed, levied, raised, recovered, and paid accordingly.

Meaning of the Term "the local Authority."

V. The Expression in this Act "the local Authority" means, with respect to the Purposes and Execution of this Act with respect to any Place, the Body or Person by this Act authorized to execute with respect to the Place the several Provisions of this Act.

Notice of this Act to be given to the Keepers of Common Lodging Houses.

VI. Within Three Months after the passing of this Act the local Authority shall, and from Time to Time thereafter the local Authority may, give to the Keeper of every Common Lodging House already or hereafter within the Jurisdiction under this Act of the local Authority, Notice in Writing of this Act, and shall give such Notice by leaving the same for such Keeper at the House, and shall by such Notice require the Keeper to register the House as by this Act provided, and such Notice may be in the Form in the Schedule to this Act annexed, or to the like Effect.

Registers of Common Lodging Houses to be kept.

VII. The local Authority shall keep a Register in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be received therein.

VIII. After

Lodgers not to be received in Common Lodging Houses until registered under this Act.

VIII. After One Month after the giving of such Notice to register as by this Act provided, the Keeper of any Common Lodging House or any other Person shall not receive any Lodger in such House until the same has been inspected and approved for that Purpose by some Officer appointed in that Behalf by the local Authority, and has been registered as by this Act provided.

Power to local Authority to make Regulations respecting Common Lodging Houses.

IX. The local Authority may from Time to Time make Regulations respecting Common Lodging Houses within its Jurisdiction for all or any of the Purposes respecting the same for which the Local Board of Health are by the Public Health Act, 1848, authorized to make Byelaws, and for the well-ordering of such Houses, and for the Separation of the Sexes therein: Provided always, that the Regulations made under this Act by the local Authority shall not be in force until they have been confirmed by One of Her Majesty's Principal Secretaries of State.

Power to local Authority to impose Penalties for Offences committed against Regulations.

X. The local Authority shall have the same Power of imposing Penalties on Offenders against the said Regulations, subject to the same Restrictions, as the Local Board with respect to Offenders against such Byelaws, and such Penalties shall be recoverable in the same Way as is provided in the said Act with respect to the Penalties imposed on Offenders against such Byelaws; and a Copy of the said Regulations, purporting to be signed by the Secretary of State, and also to be signed by the local Authority, (or to be sealed with the Seal of the same, in case it have a Seal,) shall be receivable in Evidence of such Regulations, and of the duly making and confirming thereof.

Keepers of Common Lodging Houses to give Notice of Fever, &c. therein.

XI. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the local Authority, or some Officer of the local Authority, and also to the Poor Law Medical Officer and the Poor Law Relieving Officer of the Union or Parish in which the Common Lodging House stands.

As to Inspection of Common Lodging Houses.

XII. The Keeper of a Common Lodging House, and every other Person having or acting in the Care or Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XIII. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof, to the Satisfaction of and so often as shall be required by or in accordance with any

any Regulation or Byelaw of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year.

Penalty for Offences against this Act.

XIV. If the Keeper of a Common Lodging House, or any other Person having or acting in the Care or Management thereof, offend against any of the Provisions of this Act, or any of the Byelaws or Regulations made in pursuance of this Act, or if any Person in any Common Lodging House be confined to his Bed for Forty-eight Hours by Fever or any infectious or contagious Disease, without the Keeper of such House giving Notice thereof as required by this Act, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence continues: Provided always, that this Act shall not exempt any Person from any Penalty or other Liability to which he may be subject irrespective of this Act.

Recovery of Penalties.

XV. The Clauses and Provisions of the Railways Clauses Consolidation Act, 1845, "with respect to the Recovery of Damages "not specially provided for, and of Penalties, and to the Determina- "tion of any other Matter referred to Justices," are for the Purposes and Execution of this Act incorporated with this Act.

General Powers of local Authority, &c.

XVI. The local Authority, and all Justices, Constables, and others, shall respectively have full Jurisdiction, Powers, Authorities, and Indemnities for executing the several Provisions of this Act; and the Restrictions of the Public Health Act, 1848, as to the Hours within which Common Lodging Houses may be entered by Persons authorized by a Local Board of Health, shall not apply to this Act.

Act not to extend to the City of London;

XVII. That this Act shall not extend to the City of *London* or the Liberties thereof.

nor to Scotland.

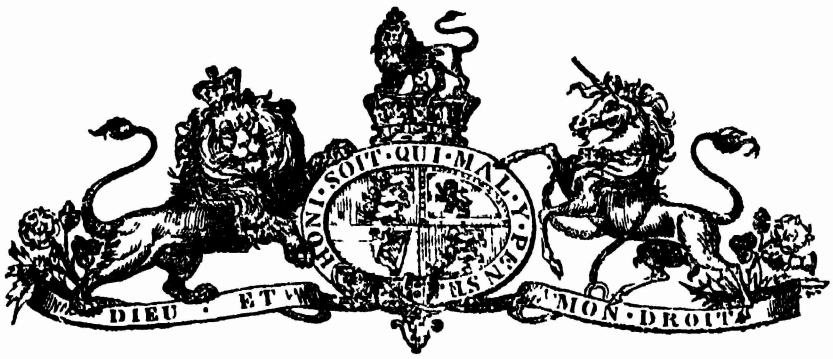
XVIII. That nothing in this Act shall extend to *Scotland*.

SCHEDULE.

Form of Notice.

Take notice, That on the [ ] Day of [ ] an Act called "The Common Lodging Houses Act, 1851," was passed, and that before the [ ] Day of [ ] you, being the Keeper of a Common Lodging House within [*here state the Place over which the Jurisdiction of the local Authority giving the Notice extends*], must have your Common Lodging House registered, and that the Register is to be kept at [*here state where the Register is to be kept*], and that if you do not have your Common Lodging House so registered you will be liable to a Penalty not exceeding Five Pounds for every Lodger whom you receive in your Common Lodging House while it is not so registered; and that on your applying to [*here give the Name and Address of the Person to keep the Register*] he will register your Common Lodging House free of all Charge to you. Dated [*&c.*].

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XXIX.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. [24th *July* 1851.]

WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law as to Ecclesiastical Jurisdiction in* England, by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of *August* One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have, by an Act passed in the last Session of Parliament, been continued until the First Day of *August* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said firstly-

10 & 11 Vict. c. 98.

13 & 14 Vict. c. 47.

Certain Provisions of first-recited Act further continued.

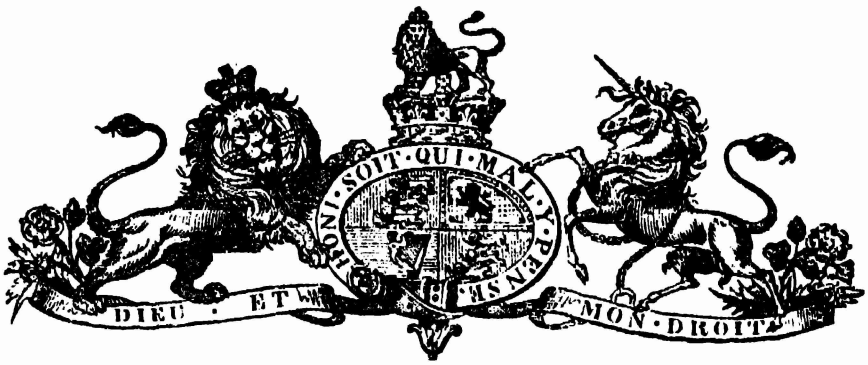
firstly-recited Act shall continue until the First Day of *August* One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXXI.

An Act to continue an Act to amend the Laws relating to Loan Societies. [24th *July* 1851.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Loan Societies*, which Act has been continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament; and it is expedient that the same should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be further continued to the First Day of *October* in the Year One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament.

3 & 4 Vict. c. 110.

Recited Act further continued.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

by Order in Council.

had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners in *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Wardens of Stannaries and to Corps of Miners.

III. This Act shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners in *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority herein contained.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Assessed Taxes Composition.

The Time for giving Notice of Intention to compound for Assessed Taxes enlarged until the 1st Oct. 1851.

I. That the several Periods limited by the said recited Act for giving any such Notice as aforesaid in *England* and *Scotland* respectively, shall be and the same are hereby extended until the First Day of *October* One thousand eight hundred and fifty-one inclusive; and the respective Surveyors to whom such Notices have been or shall be delivered within the Period limited by this Act shall diligently inquire into and examine such Notices, and certify their Assent or Objection thereto at any Time within One Calendar Month next after the Delivery thereof respectively, or at the furthest within One Calendar Month next after the said First Day of *October*; and the respective Commissioners acting in the Execution of the said Acts are hereby authorized and required to enter into Composition with such Persons respectively who have given or shall within the Period limited by this Act give such Notices as aforesaid, subject to the Rules, Regulations, and according to the Provisions, of the said recited Act, in like Manner as if such Notices had been delivered within the Time limited by the said recited Act; provided the Contracts of such Compositions respectively shall be executed by the said Commissioners and the Party compounding on or before the First Day of *December* One thousand eight hundred and fifty-one, and which Contracts of Compositions, when executed by the said Commissioners or any Two or more of them and by the Party aforesaid in the Manner by the said recited Act directed, shall be of the like Force and Effect, and subject to the like Powers and Conditions for Payment, to all Intents as if the said Compositions had been entered into under the Directions of the said recited Act: Provided always, that upon every Contract of Composition executed as aforesaid after the First Day of *October* One thousand eight hundred and fifty-one, there shall be paid One Moiety of the annual Amount payable under the same within Ten Days next after the Date of such Contract.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

the Limits of any Act for the paving, lighting, watching, draining, or otherwise improving of such Place, and also, with the Approval of One of Her Majesty's Principal Secretaries of State, for any Parish in *England*, having, according to the then last Census, a Population of not less than Ten thousand, or being a Parish in any such incorporated Borough, having, according to the then last Census, a Population of not less than Ten thousand, and also with the like Approval for each of several Parishes as by this Act in that Behalf provided.

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

"Parish" shall mean every Place maintaining its own Poor, and having a Vestry:

"Borough" shall mean City, Borough, Port, Cinque Port, or Town Corporate:

"District" shall mean any Place being the District of such a Local Board of Health, and shall also mean any Place being the District within the Limits of such an Improvement Act:

"Ratepayers" shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish:

"Churchwardens" shall mean also Chapelwardens or other Persons discharging the Duties of Churchwardens:

"Overseers" shall mean also any Persons authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor:

"Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of* England *and* Wales, or elected under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting, by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry:

59 G. 3. c. 12.

1 & 2 W. 4. c. 60.

"Board"

"Board" shall mean, as regards the District of such a Local Board of Health, such Local Board of Health for the Time being in Office and acting as such Local Board of Health, and, as regards the District within the Limits of such an Improvement Act, the Commissioners, Trustees, or other Body of Persons by whatever Name distinguished for the Time being in Office and acting in the Execution of such Act:

"Commissioners" shall mean the Commissioners appointed in accordance with this Act for any Parish, and for the Time being in Office and acting as such Commissioners:

"Clerk" shall mean, as regards an incorporated Borough, the Town Clerk of such Borough, and, as regards a District, the Clerk of the Board of such District, and, as regards a Parish, the Clerk appointed pursuant to this Act by the Commissioners

"Justice" shall mean Justice of the Peace for the County, Riding, Division, Liberty, Borough, District, Parish, or Place where the Matter requiring the Cognizance of Justices shall arise:

"Improvement Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which under the Provisions of any such Improvement Act shall be applicable for the general Purposes of such Act:

"Lands" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure:

Words importing the Masculine Gender shall include the Feminine:

Words of the Plural Number shall include the Singular, and Words of the Singular Number shall include the Plural.

Council of any Borough may adopt the Provisions contained in this Act if they think fit.

IV. That the Council of any such Borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such Borough, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such Borough, and this Act shall be carried into execution in such Borough, in accordance with such Provisions and the Laws for the Time being in force relating to the Municipal Corporation of such Borough.

Expenses of carrying this Act into execution in a Borough shall be charged upon the Borough Fund, and Income arising to be carried to the same.

V. That the Expenses of carrying this Act into execution in any such Borough in which the Council shall have resolved to adopt this Act for their Borough shall be chargeable upon and paid out of the Borough Fund, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the Borough Rate, such Sums of Money as shall be from Time to Time necessary for defraying

defraying such Expenses, and shall apply the same accordingly, as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions of the said Act of the Sixth Year of the Reign of His late Majesty; and the Income arising from the Lodging Houses in any Borough shall be paid to the Credit of the Borough Fund thereof; and the Council shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account."

Any Local Board of Health may adopt the Provisions of this Act if they think fit.

VI. That the Board of any such District, being the District of a Local Board of Health, may, if they think fit, determine that this Act shall be adopted for such District, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such District, and this Act shall be carried into execution in such District, in accordance with such Provisions and the Laws for the Time being in force relating to such Board.

On Requisition of Ratepayers Board to postpone Proceedings till after next Day for Election of Members of Board.

VII. Provided always, That the Board shall give not less than Twenty-eight nor more than Forty-two Days public Notice of their Intention to take into consideration the Propriety of adopting this Act, and of the Time and Place for holding the Meeting at which they will take it into consideration; and if there be presented to the Board at that Meeting a Memorial in Writing, signed by not less than One Tenth in Value of the Persons liable to be rated to a General District Rate made by the Board, and requesting the Board to postpone such Consideration until after the then next yearly Day for the Election of Members of the Board, then and in such Case such Consideration shall be postponed until after that Day, and shall be entered on as soon after that Day as the Board think fit.

Expenses of carrying this Act into execution by Local Board of Health shall be charged on the District Fund, and Income arising to be carried to the same.

VIII. That the Expenses of carrying this Act into execution in any such District, being the District of a Local Board of Health in which the Board shall have resolved to adopt this Act for their District, shall be chargeable upon and paid out of the Monies from Time to Time carried to the Credit of the District Fund Account of such District, and for that Purpose the Board may levy with and as Part of the General District Rate of such District, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the General Rate of such District, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions

Provisions of the Public Health Act, 1848; and the Income arising from the Lodging Houses in any such District shall be paid to the Credit of the District Fund Account thereof; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account."

Any Improvement Board may adopt the Provisions of this Act if they think fit.

IX. That the Board of any such District, being the Place within the Limits of any Act for the paving, lighting, watching, draining, or otherwise improving of such Place, may, if they think fit, determine that this Act shall be adopted for such District, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such District, and this Act shall be carried into execution in such District in accordance with such Provisions and the Laws for the Time being in force relating to such Board.

On Requisition of Ratepayers Board to postpone Proceedings till after next Day for Election of Members of Board.

X. Provided always, That the Board shall give not less than Twenty-eight Days nor more than Forty-two Days public Notice of their Intention to take into consideration the Propriety of adopting this Act, and of the Time and Place for holding the Meeting at which they will take it into consideration; and if there be presented to the Board at that Meeting a Memorial in Writing, signed by not less than One Tenth in Value of the Persons liable to be rated to an Improvement Rate made by the Board, and requesting the Board to postpone such Consideration until after the then next yearly or other Day for the Election or Appointment of Members of the Board, then and in such Case such Consideration shall be postponed until after that Day, and shall be entered on as soon after that Day as the Board think fit.

If Majority of Board not elected by Ratepayers, Consent of Ratepayers to be obtained.

XI. Provided always, That in any Case in which the major Part in Number of the Members of the Board of any such District are elected or appointed in any Manner other than by or with the Concurrence of the Persons liable to be rated to Improvement Rates made by the Board, the Board shall not determine that this Act shall be adopted for the District, except with the Sanction of the major Part in Value of the Persons so liable present at a Meeting specially convened for the Purpose by the Board, by not less than Twenty-eight Days nor more than Forty-two Days public Notice of the Intention of holding such Meeting, and of the Time and Place for holding the same; and such Meeting shall be held at such convenient Place within the District, and at such convenient Time, as the Board think fit; and the Procedure thereat shall be regulated by the Board.

Expenses of carrying this Act into execution by Improvement Commissioners shall be charged on General Improvement Rate, and Income arising to be carried to the same.

XII. That the Expenses of carrying this Act into execution in any such District, being the Place within the Limits of any such Improvement Act in which the Board shall have resolved to adopt this Act for their District, shall be chargeable upon and paid out of the Improvement Rate of such District, and for that Purpose the Board may levy with and as Part of such Improvement Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as such Improvement Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly as if the Expenses of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the general Provisions of such Improvement Act; and the Income arising from the Lodging Houses in any such District shall be paid to the Credit of the Improvement Rate thereof; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account."

Auditing Accounts of Improvement Commissioners with respect to Act.

XIII. That in every Case in which any such Improvement Act contains Provisions for the auditing of Accounts thereunder, the Accounts of the Board with respect to this Act shall be audited in accordance with those Provisions; and in every Case in which any such Improvement Act does not contain any such Provisions, the Accounts of the Board with respect to this Act shall be audited yearly by the Poor Law Auditor within whose District the District of the Board lies; and the Board shall produce to him their Accounts, with sufficient Vouchers for all Monies received and paid, and he shall examine such Accounts and Vouchers, and report thereon to the Board, and every such Report shall be open at all reasonable Times without Charge to the Inspection of every Person liable to be rated to an Improvement Rate made by the Board.

On the Requisition of Ten Ratepayers, Churchwardens, &c. to convene Vestry Meeting, to determine whether this Act shall be adopted.

If Vestry resolve to adopt the Act, a Copy

XIV. That, upon the Requisition in Writing of Ten or more Ratepayers of any such Parish as aforesaid, the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in such Parish shall convene a Meeting of the Vestry for the special Purpose of determining whether this Act shall be adopted for the Parish, after public Notice of such Vestry, and the Place and Hour of holding the same, and the special Purpose thereof, given in the usual Manner in which Notice of the Meetings of the Vestry is given, in each of Three successive Weeks before the Day to be appointed for holding such Vestry; and if thereupon it shall be resolved by the Vestry that this Act ought to be adopted for the Parish, a Copy of such Resolution, extracted from the Minutes of the Vestry, and signed by the Chairman,

Chairman, shall be sent to One of Her Majesty's Principal Secretaries of State, for his Approval, and as soon as such Approval shall have been signified in Writing under the Hand of any such Secretary of State such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in the Parish: Provided always, that such Resolution of the Vestry shall not be deemed to be carried unless at least Two Thirds in Value of the Votes given on the Question, according to the usual Manner of voting at such Vestry, shall have been given for such Resolution.

of Resolution to be sent to Secretary of State, &c.

Resolution not deemed to be carried unless Two Thirds vote for it.

XV. That in such Case the Vestry shall appoint not less than Three nor more than Seven Persons, being Ratepayers of the Parish, Commissioners for carrying this Act into execution in the Parish, of whom One Third, or as nearly as may be One Third (to be determined among themselves), shall go out of Office yearly, (the Year being reckoned from and exclusive of the Day of the First Appointment of Commissioners,) but shall be eligible for immediate Re-appointment.

Where Act adopted Vestry to appoint Commissioners for carrying the same into execution.

XVI. That any Commissioner may at any Time resign his Office as a Commissioner, on giving Seven Days Notice in Writing of his Intention to resign, to the Clerk, and also to the Churchwardens.

Resignation of Commissioners.

XVII. That any Vacancies in the Commissionership may be filled up by the Vestry, when and as the Vestry shall think fit, but at the latest at the then next yearly Meeting for the Appointment of Commissioners.

Vacancies to be filled up by Vestry.

XVIII. That the Commissioners shall meet at least once in every Calendar Month, and at such other Times as they think fit, at their Office, or some other convenient Place, public Notice of the Times and Place of Meeting being previously given.

Meetings of the Commissioners.

XIX. That it shall be at all Times competent for any One Commissioner, by Writing under his Hand, to summon, with at least Forty-eight Hours Notice, the Commissioners for any special Purpose therein named, and to meet at such Time as shall be therein named; and the Commissioners may meet accordingly without further Notice.

Special Meetings of Commissioners.

XX. That at all Meetings of the Commissioners any Number, not less than One Third of the whole Number when more than Three Commissioners shall have been appointed, and when only Three Commissioners shall have been appointed, then any Number not less than

Quorum of Meetings of Commissioners.

than Two Commissioners, shall be a sufficient Number for transacting Business, and for exercising all the Powers of the Commissioners.

Commissioners may appoint and remove Officers, &c.

XXI. That the Commissioners, with the Approval of the Vestry, may appoint reasonable Salaries, Wages, and Allowances for a Clerk and such other Officers and Servants as shall be necessary for the Purposes of this Act, and shall appoint and may remove at Pleasure such Clerk, Officers, and Servants, and, when necessary, may hire and rent a sufficient Office for holding their Meetings and transacting their Business, and may agree for and pay a reasonable Rent for such Office.

Minutes of Proceedings of Commissioners to be entered in Books.

XXII. That all Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings, so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any Appeal, Trial, Information, or other Proceeding, civil or criminal, and in any Court of Law or Equity whatsoever.

Commissioners to keep Accounts, which shall be open to Inspection.

XXIII. That the Commissioners shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money shall have been paid and such Liabilities shall have been incurred; and such Books shall at all reasonable Times be open to the Examination of every Commissioner, Churchwarden, Overseer, and Ratepayer, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books or any Part thereof, without paying for the same; and in case the Commissioners or any of them, or any of their Officers or Servants, having the Custody of such Books, being thereunto reasonably requested, shall refuse to permit or shall not permit any Churchwarden, Overseer, or Ratepayer to examine the same, or take any such Copy or Extract, every Commissioner, Officer, or Servant so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for refusing to allow Inspection.

Auditors to be appointed yearly, who shall examine the Accounts and report to Vestries.

XXIV. That the Vestry shall yearly appoint Two Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and at such Time in the Month of *March* in every Year after the Adoption of this Act for the Parish as the Vestry shall appoint the Commissioners shall produce to the Auditors their Accounts, with sufficient

sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts and Vouchers, and report thereon to the Vestry: Provided always, that if the general Accounts of the Parish be audited by a Poor Law Auditor, the Accounts of the Commissioners shall be audited by such Poor Law Auditor.

Expenses of executing Act in any Parish to be paid out of the Poor's Rate.

XXV. That the Expenses of carrying this Act into execution in any Parish to such Amount as shall be from Time to Time sanctioned by the Vestry shall be chargeable upon and paid out of the Monies to be raised or applicable for the Relief of the Poor of the Parish; provided always, that the Vestry shall be convened in the Manner usual in the Parish, and the Amount for the Time being proposed to be raised or applied for such Expenses shall be expressed in the Notice convening the Vestry.

Overseers to levy as Part of the Poor's Rate such Sums as Vestry shall deem necessary to pay Expenses.

XXVI. That for defraying the Expenses so sanctioned the Vestry may and shall from Time to Time order the Overseers to levy with and as Part of the Rate for the Relief of the Poor of the Parish such Sums as the Vestry shall deem necessary, and the Amount thereof shall accordingly be assessed, levied, paid, and recovered in like Manner, and with the like Powers and Remedies in all respects, as such Rate, and shall be paid by the Overseers, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same, and his Receipt shall be a sufficient Discharge to the Overseers for the same, and shall be allowed accordingly in passing their Accounts: Provided always, that in the Notices requiring the Payment of the Rate the Proportion which the Amount to be thereby raised for the Purposes of this Act shall bear to the total Amount to be thereby raised shall be stated as accurately as Circumstances may admit.

Monies raised, and the Income arising from Lodging Houses in the Parish, to be applied towards defraying Expenses.

XXVII. That the Money raised for defraying the Expenses of carrying this Act into execution, and the Income arising from the Lodging Houses in the Parish, shall be applied by the Commissioners in or towards defraying the Expenses of carrying this Act into execution in the Parish; and whenever, after Repayment of all Monies borrowed for the Purpose of carrying this Act into execution in the Parish, and the Interest thereof, and after satisfying all the Liabilities of the Commissioners with reference to the Execution of this Act in the Parish, and providing such a Balance as shall be deemed by the Commissioners sufficient to meet their probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of the Vestry at which the yearly Report of the Auditors shall be produced any surplus Money at the Disposal of the Commissioners,

 they

they shall pay the same to the Overseers, in aid of the Rate for the Relief of the Poor of the Parish.

Vestries of Two or more Parishes may concur in carrying this Act into execution, subject to the Approval of Secretary of State.

XXVIII. That the Vestries of any Two or more neighbouring Parishes having, according to the then last Census, an aggregate Population of not less than Ten thousand may, for the Purpose of concurring in carrying this Act into execution, respectively adopt this Act in like Manner as if the Population of each of those Parishes were, according to the then last Census, not less than Ten thousand; and the Vestries of any Two or more neighbouring Parishes which shall have respectively adopted this Act may concur in carrying this Act into execution in such Parishes, in such Manner, not inconsistent with the Provisions of this Act, and for such Time, as they shall mutually agree; and for that Purpose it may, with the Approval of such Secretary of State, be agreed on between such Vestries that any Lodging Houses shall be erected and made in any One of such Parishes, to be vested in the Commissioners thereof, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually agree, and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of the same respective Parish accordingly; and, according and subject to the Terms which shall have been so agreed on, the Commissioners appointed for each of such Parishes shall in the Management of the said Lodging Houses form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts and Vouchers of such Commissioners shall be examined and reported on by the Auditors of each of such Parishes, and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively, in the same Proportions as those in which such Parishes shall be liable to such Expenses.

Incorporation of Commissioners.

XXIX. That for the more easy Execution of the Purposes of this Act the Commissioners of every such Parish shall be a Body Corporate, with perpetual Succession, which shall not be deemed to be interrupted by any partial or total Vacancy from Time to Time in their Office, by the Name of "The Commissioners for Lodging Houses in the Parish of ( ) in the County of ( )," and by that Name may sue and be sued in all Courts, and before all Justices and others, and may have and use a Common Seal, and by that Name may take, hold, and convey any Lands vested in them for the Purposes of this Act.

XXX. That

Lodging Houses.

XXX. That all Acts and Proceedings of any Person in possession of the Office of such Commissioner, and acting in good Faith as such Commissioner, shall, notwithstanding his Disqualification or Want of Qualification for, or any Defect or Irregularity in, or in any way concerning his Appointment to such Office, be as valid and effectual as if he were duly qualified, or there had not been any such Defect or Irregularity.

Acts of Commissioners to be good notwithstanding Informalities.

XXXI. That for carrying this Act into execution in any Borough, District, or Parish respectively, the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, and the Board, with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, and the Commissioners, with the Sanction of the Vestry, and also with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, may from Time to Time borrow, at Interest, on the Security of a Mortgage, as the Case may be, of the Borough Fund, or of the General District Rates, or of the Improvement Rates, or of the Rates for the Relief of the Poor of the Parish, the Money which may be by them respectively required, and shall apply the Monies so borrowed accordingly.

Councils, &c. may borrow Money for the Purposes of the Act, with the Approval of the Treasury.

XXXII. That the Commissioners for carrying into execution an Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor*, may from Time to Time make to the Council of any such Borough or to any Board or to the Commissioners of any such Parish respectively, for the Purposes of this Act, any Loan, under the Provisions of the recited Act, or the several Acts therein recited or referred to, upon Security of the Borough Fund, or the General District Rates, or the Improvement Rates, or the Rates for the Relief of the Poor of the Parish, as the Case may be.

The Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXXIII. That the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by any Company on Mortgage, and the Provisions of the same Act with respect to the Accountability of the Officers of the Company, and the Provisions of the same Act with respect to the making of Byelaws, subject to the Provision herein-after contained, and the Provisions of the same Act with respect to the Recovery of Damages not specially provided for, and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act; and the Expressions in such Provisions applicable

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

applicable to the Company and the Directors shall apply, as regards a Borough, to the Council, and as regards a Parish, to the Commissioners; and all Deeds and Writings which under such Provisions are required or directed to be made or executed under the Common Seal of the Company shall, in the Application of such Provisions to this Act, be deemed to be required or directed to be made or executed, as regards a Borough, under the Common Seal of the Mayor, Aldermen, and Burgesses, and, as regards a Parish, under the Common Seal of the Commissioners; and so much of such Provisions as are applicable to the Secretary of the Company shall apply to the Clerk; and in such of the said Provisions as relate to the Inspection of Accounts, as regards a Borough, the Burgesses, and, as regards a Parish, the Ratepayers, shall have the Privileges of Shareholders.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXXIV. That the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act: Provided always, that the Council, the Board, and the Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

In Boroughs the Council may appropriate, with Consent of the Treasury, Lands vested in the Mayor, &c.

In Parishes the Commissioners may, with Approval of Vestry, &c., appropriate Lands belonging to Parish;

or contract for Purchase of the same.

XXXV. That in any such Borough the Council, with the Approval of the Commissioners of Her Majesty's Treasury, may from Time to Time appropriate for the Purposes of this Act in the Borough any Lands vested in the Mayor, Aldermen, and Burgesses; and in any such District the Board, with the Approval of the General Board of Health, may from Time to Time appropriate for the Purposes of this Act in the District any Lands vested in the Board or at the Disposal of the Board; and in any such Parish the Commissioners appointed under this Act, with the Approval of the Vestry and of the Guardians of the Poor of the Parish (if any), and of the Poor Law Board, may from Time to Time appropriate for the Purposes of this Act in the Parish any Lands vested in such Guardians, or in the Churchwardens, or in the Churchwardens and Overseers of the Parish, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish; and in any such Parish the Commissioners, and in any such Borough the Council, and in any such District the Board, may from Time to Time, with the like respective Approval, contract for the purchasing or renting of any Lands necessary for the Purposes of this Act; and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Board in the Case of a District, or in the Commissioners in the Case of a Parish.

Councils and Commissioners may erect Lodging Houses.

XXXVI. That the Council and Board and Commissioners respectively may from Time to Time, on any Lands so appropriated, purchased, or rented, or contracted so to be, respectively, erect any Buildings suitable for Lodging Houses for the Labouring Classes, and convert

convert any Buildings into Lodging Houses for the Labouring Classes, and may from Time to Time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Councils and Commissioners may enter into Contracts for the Purposes of this Act.

XXXVII. That the Council and Board and Commissioners respectively may from Time to Time enter into any Contract with any Persons or Companies for building and making, and for altering, enlarging, repairing, and improving, such Lodging Houses, and for supplying the same respectively with Water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purpose of this Act, which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Nonperformance; and all such Contracts, or true Copies thereof, shall be entered in the Books to be kept for that Purpose: Provided always, that a Contract above the Value or Sum of One hundred Pounds shall not be entered into by the Council or the Board or the Commissioners for the Purposes of this Act unless previous to the making thereof Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County in which the Borough or District or Parish shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Council or Board or Commissioners at a certain Time and Place in such Notice to be mentioned; but it shall not be incumbent on the Council or Board or Commissioners to accept any of the Proposals so offered.

No Contract above 100*l.* to be entered into without Notice.

Council or Commissioners may purchase existing Lodging Houses.

XXXVIII. That the Council of any such Borough, and the Board of any such District, and the Commissioners, with such respective Approval as is by this Act required with respect to the purchasing or renting in any other Case of any Lands necessary for the Purposes of this Act, may, if they shall think fit, contract for the Purchase or Lease of any Lodging Houses for the Labouring Classes already or hereafter to be built and provided in any such Borough or District or Parish, and appropriate the same to the Purposes of this Act, with such Additions or Alterations as they shall respectively deem necessary; and the Trustees of any Lodging Houses for the Labouring Classes which have been already or may hereafter be provided in any such Borough or District or Parish, by private Subscriptions or otherwise, may, with the Consent of the Council of any

such Borough, or with the Consent of the Board of any such District, or with the Consent of the Commissioners, and with the like respective Approval, and with the Consent of a Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease the said Lodging Houses to the said Council or Board or Commissioners respectively, or make over to them the Management of such Lodging Houses; and in all such Cases the Lodging Houses so purchased or leased, or of which the Management has been so made over, shall be deemed to be within the Provisions of this Act, as fully as if they had been built or provided by the Council or Board or Commissioners, and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Board in the Case of a District, or in the Commissioners in the Case of a Parish.

Power to Water and Gas Companies to supply Water and Gas to Lodging Houses.

XXXIX. That any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Reservoirs, Wells, Springs, and Streams of Water, and Gasworks respectively, may, in their Discretion, grant and furnish Supplies of Water or Gas for such Lodging Houses, either without Charge or on such other favourable Terms as they shall think fit.

Councillors and Commissioners not to be personally liable.

XL. That anything in this Act contained shall not render any Member of the Council of any Borough, or any Member of any such Board, or any Commissioner, personally, or any of their Lands, Goods, Chattels, or Monies, (other than such Lands, Goods, Chattels, or Monies as may be vested in or under the Management or Control of the Council or Board or Commissioners respectively in pursuance of this Act,) liable to the Payment of any Sum of Money as or by way of Compensation or Satisfaction for or in respect of anything done or suffered in due pursuance of this Act.

Persons may appeal against Orders of Councils and Commissioners.

XLI. That every Person who shall feel aggrieved by any Bye-law, Order, Direction, or Appointment of or by the Council or Board or Commissioners shall have the like Power of Appeal to the General Quarter Sessions as under the Provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have, if feeling aggrieved by any Determination of any Justice with respect to any Penalty.

Council, &c. empowered to make sale and exchange of Lands, with Consent

XLII. That the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and the Board, with the Approval of the General Board of Health, and the Commissioners appointed under this Act, with the Approval of the Vestry and of the Commissioners

missioners of Her Majesty's Treasury respectively, may from Time to Time make sale and dispose of any Lands vested in the Mayor, Aldermen, and Burgesses, or in the Board, or in the Commissioners, respectively, for the Purposes of this Act, and apply the Proceeds, or a sufficient Part thereof, in or towards the Purchase of other Lands better adapted for such Purposes, and may, with the like Approval, exchange any Lands so vested, and either with or without paying or receiving any Money for Equality of Exchange, for any other Lands better adapted for such Purposes, and the Mayor, Aldermen, and Burgesses, or the Board, or the Commissioners, may convey the Lands so sold or exchanged accordingly.

When Lodging Houses are considered too expensive, they may, with Approval of Treasury, be sold, and Proceeds of Sale carried to Borough Fund or Poor's Rate.

XLIII. That whenever any Lodging Houses which shall have been for Seven Years or upwards established under the Authority of this Act shall be determined by the Council, or by the Board, or by the Vestry, in accordance with a previous Recommendation of the Commissioners, to be unnecessary or too expensive to be kept up, the Council or Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, or the Board with the Approval of the General Board of Health, may sell the same for the best Price that can reasonably be obtained for the same, and the Mayor, Aldermen, and Burgesses, or the Board, or the Commissioners, shall convey the same accordingly, and the Purchase Money shall be paid to such Person as the Council or Board or Commissioners shall appoint, and his Receipt shall be a sufficient Discharge for the same, and the net Proceeds of such Sale shall be applied in the first instance in or towards Payment or Satisfaction of all the Debts, Liabilities, and Engagements whatsoever, with respect to the Purposes of this Act, of the Council, the Board, or the Commissioners, and the Surplus, if any, of such net Proceeds paid to the Credit of the Borough Fund, or of the General District Rate, or of the Improvement Rate, or of the Rate for the Relief of the Poor of the Parish.

Commissioners to cease to be a Corporation when their Duties have ceased.

XLIV. Provided always, That whenever by reason of the Sale of all the Lodging Houses provided under this Act for a Parish, and the Application as by this Act required of the net Proceeds of such Sale, and the Performance of all other the Duties under this Act of the Commissioners for the Parish, or by any other Reason, it becomes needless for the Commissioners for a Parish to continue to be a Corporation, such Commissioners shall thereupon cease to be a Corporation, and their Office as Commissioners for the Parish shall thereupon cease, and this Act shall thereupon cease to be in force in the Parish, but nevertheless this Act may thereafter be adopted for the Parish.

XLV. That

Management to be vested in Council and Parish Commissioners.

XLV. That the general Management, Regulation, and Control of the Lodging Houses established under this Act shall, subject to the Provisions of this Act, be, as to any Borough, vested in and exercised by the Council, and as to any District vested in and exercised by the Board, and as to any Parish vested in and exercised by the Commissioners.

Council, &c. may make Byelaws for regulating the Lodging Houses.

XLVI. That the Byelaws which the Council and Board and Commissioners respectively may from Time to Time make, alter, repeal, and enforce shall include such Byelaws for the Management, Use, and Regulation of the Lodging Houses, and of the Tenants or Occupiers thereof, and for determining from Time to Time the Charges for the Tenancy or Occupation of the Lodging Houses, as the Council and Board and Commissioners respectively shall think fit, and they respectively may appoint any Penalty not exceeding Five Pounds for any and every Breach, whether by their Officers or Servants or by other Persons, of any Byelaw made by them respectively, and such Byelaws shall make sufficient Provision for the several Purposes respectively expressed in the Schedule to this Act: Provided always, that a Byelaw made under the Authority of this Act shall not be of any legal Force until the same shall have received the Approval of One of Her Majesty's Principal Secretaries of State.

Byelaws to be approved by the Secretary of State.

Byelaws to be hung up in every Room in the Lodging Houses.

XLVII. That a printed Copy or sufficient Abstract of the Byelaws relating to the Management, Use, and Regulation of the Lodging Houses shall be put up and at all Times kept in every Room therein.

Charges for Occupation, &c. to be fixed by Councils and Commissioners.

XLVIII. That the Council and the Board and the Commissioners respectively may from Time to Time make such reasonable Charges for the Tenancy or Occupation of the Lodging Houses provided under this Act as they shall think fit.

As to Tenants of Lodging Houses receiving Parochial Relief.

XLIX. That any Person who, or whose Wife or Husband, at any Time while such Person is a Tenant or Occupier of any such Lodging House or any Part of such a Lodging House, receives any such Relief, other than such Relief granted on account only of Accident or temporary Illness, shall thereupon be disqualified for continuing to be such a Tenant or Occupier.

Lodging Houses to be open to Inspection of Local Boards of Health.

L. That every Lodging House established under this Act which shall be within the District of a Local Board of Health shall at all Times be open to the Inspection of such Board, and the Officers thereof from Time to Time authorized by such Board to make such Inspection.

LI. That

LI. That if any Clerk or other Officer or any Servant who shall be in anywise employed by any Council or Board or Commissioners in pursuance of this Act shall exact or accept any Fee or Reward whatsoever for or on account of anything done or forborne, or to be done or forborne, in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such Salaries, Wages, or Allowances as shall have been appointed by the Council or Board or Commissioners, or shall in anywise be concerned or interested in any Bargain or Contract made by the Council or Board or Commissioners for or on account of anything done or forborne, or to be done or forborne, in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any Person during the Time he holds the Office of Member of the Council, or Member of the Board, or Commissioner, shall exact or accept any such Fee or Reward, or shall accept or hold any Office or Place of Trust created by virtue of this Act, or be concerned directly or indirectly in any such Bargain or Contract, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such Offence also forfeit not exceeding the Sum of Fifty Pounds.

Penalty on Council, Commissioners, or Officers taking Fees beyond Salaries, or being interested in Contracts.

LII. That such Part of any Penalty recovered under this Act as shall not be awarded to the Informer shall be paid to the Credit, as regards a Borough, of the Borough Fund, and, as regards a District, of the General District Rate thereof or the Improvement Rate thereof, and, as regards a Parish, of the Rate for the Relief of the Poor thereof.

Application of Penalties.

LIII. That nothing in this Act shall extend to *Scotland.*

Not to extend to Scotland

SCHEDULE referred to by the foregoing Act.

1. Byelaws to be made in all Cases.

For securing that the Lodging Houses shall be under the Management and Control of the Officers, Servants, or others appointed or employed in that Behalf by the Council or Board or Commissioners.

For securing the due Separation at Night of Men, and Boys above Eight Years old, from Women and Girls.

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances.

For determining the Duties of the Officers, Servants, and others appointed by the Council or Board or Commissioners.

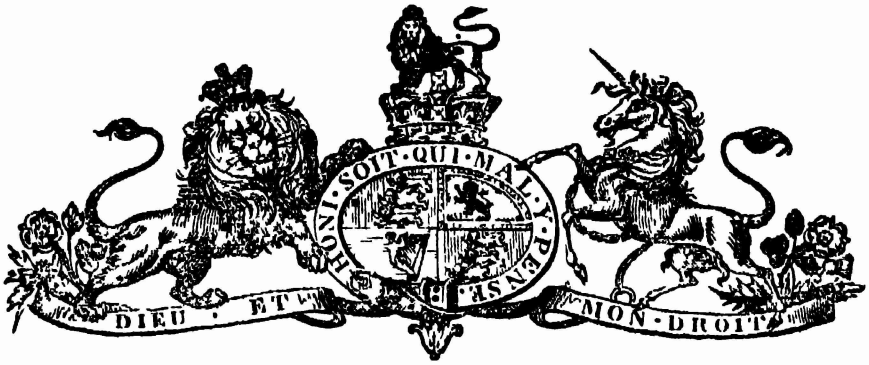
2. Byelaws to be made in Boroughs, Districts, and Parishes wholly or partially within the Districts of Local Boards of Health.

For carrying out the Regulations of the Local Boards of Health.

3. Byelaws to be made in Parishes.

For regulating the Procedure of the Commissioners.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

confer upon the several Boards of Guardians in *Ireland* like Powers in this Behalf, (subject to the Provisions herein contained,) as are by the said recited Act given and conferred upon such Overseers of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That —

Power to Guardians, &c. to apprentice Boys to the Sea Service.

I. The Guardians of the Poor of any Union in *Ireland*, or other Persons duly appointed to carry into execution the Provisions of the Acts for the Relief of the destitute Poor in *Ireland*, and having the Authority of Guardians in such Union, may and they are hereby empowered to bind and put out as an Apprentice in the Sea Service, for not less than Four Years, to any *British* Subject being the Master or Owner of any Ship registered or licensed in any Port of the United Kingdom, any Boy who has attained the Age of Twelve Years and not more than Seventeen Years, and is of sufficient Health and Strength, and who or whose Parent or Parents is or are receiving Relief in such Union, and who consents to be so bound, until such Boy attains the Age of Twenty-one Years or has served as Apprentice Seven Years, or such other shorter Period (not less than Four Years) as may be fixed and agreed on, whichever first happens, by Indentures to be made in the Form set forth in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or in such other Form as may be sanctioned by the Board of Trade in that Behalf, and to bear Date on the Day when the same are executed, and to be prepared in Triplicate, and each Part to be executed in the Presence of the Boy who is bound thereby, and of the Constable or other Person who is employed to conduct him as herein-after mentioned, and of Two Justices of the Peace, and to be signed by such Justices in testimony of their being satisfied that such Boy has consented so to be bound, and has attained the Age aforesaid, and is of sufficient Health and Strength, and to be attested by such Constable or other Person; and any such Justice may so act, although he be also a Member of, and acting at, such Board of Guardians; and such Indenture shall have affixed thereto the Official Seal of such Board, and the Signature of the Chairman presiding at some Meeting thereof, and of the Clerk or Person acting as Clerk thereat; and the Guardians or other Persons having the Authority aforesaid by whom any such Boy is so bound shall cause his Age to be truly inserted in the Indentures of Apprenticeship to the best of their Belief, and shall if possible procure a Certificate of the Baptism of such Boy, or a Copy of the Entry thereof in the Registry of such Baptism, in proof thereof; and every Certificate of Baptism or such Copy of Entry (if any there be) which is required for the Purpose of

Manner of binding such Apprentices.

of ascertaining the Age of any such Boy by any such Guardians or other Persons shall be given and attested by the Person authorized to give the same without Fee; and the Age of every such Boy inserted in any such Indenture shall, in relation to the Continuance of his Service, be taken to be his true Age, without any further Proof thereof: Provided always, that if the Cost of the Relief of such Boy in such Union as aforesaid be chargeable to an Electoral Division of such Union, the Consent in Writing of the Guardian or (where there are more than One) of a Majority of the Guardians of the Poor of such Electoral Division, under his or their Hand or Hands, shall be obtained previously to such Binding as aforesaid, or shall be written or endorsed upon such Indentures (save and except in Cases where paid Officers shall be acting in place of Guardians of the Poor).

Such Apprentices to be furnished with Outfit; and sent to the Seaport.

II. The Guardians or Persons having the Authority aforesaid by whom any such Boy is bound shall provide him with a sufficient Outfit of Sea Clothing, Bedding, and similar Necessaries, to the Value of Five Pounds, and shall cause him to be conducted by a Constable or other trustworthy Person to the Port where the Master or Owner of the Ship to whom he is bound is or resides, and shall, if the Master or Shipowner to whom such Apprentice is bound resides in the Port of *London*, transmit One of the Indentures aforesaid, duly executed and attested, to the Registrar of Seamen, and if he resides at any other Port, to the Collector or Controller of Customs at such Port, and shall transmit One other of the said Indentures to the Master or Owner to whom the Boy is bound, and shall retain the Third of the said Indentures; and the Expense incurred in the Provision of such Outfit, and the Binding and Conveyance of any such Apprentice, and the Transmission of such Indentures, shall be charged to the Union or Electoral Division, as the Case may be, to which the Boy or his Parent or Parents was or were chargeable at the Time of his being so apprenticed.

Expenses of Outfit, &c. to be borne by Union, &c.

Indentures may be sued on by Guardians, by their Name of Office.

III. The Indentures so entered into by the Guardians or other Persons having such Authority as aforesaid in any Union in *Ireland* may be sued upon in the Name of the Guardians of the Poor of such Union for the Time being, by their Name of Office; but no Action for the Breach of any Covenant contained in such Indentures shall be commenced by such Guardians or other Persons without the Consent of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*; and no such Action commenced with such Consent shall abate by reason of Death or any Change of such Guardians or Persons pending the same, but shall be proceeded in by the Guardians or Persons having the Authority aforesaid for the Time being,

being, who shall be entitled to charge the whole Amount of the Costs incurred in such Action, and not recovered from the Defendant therein, upon the Union or Electoral Division as aforesaid, as the Case may be, or as such Guardians or Persons aforesaid shall direct, although Part of such Costs may have been incurred by their Predecessors.

Indentures may be assigned on the Death, &c. of the Master.

IV. In the event of the Bankruptcy, Insolvency, or Death of the Master of any such Apprentice to the Sea Service such Master, or his Executors or Administrators, or, if there are none such, his Widow, may assign the Indenture of such Apprentice for the Residue of the Term then unexpired therein to any other Master or Owner of any such Ship as aforesaid; and the Person to whom any such Assignment is made shall produce the same, if he resides in the Port of *London*, to the Registrar of Seamen, and if he resides in any other Port, to the Collector or Controller of Customs at such Port, there to be registered and indorsed by such Registrar or Collector or Controller of Customs, and in default shall be liable to a Penalty of Ten Pounds.

Assignments to be registered.

Penalty for Default.

Such Apprentices not to contribute to any Hospital Fund, &c.; and no Stamp Duty on Indentures.

V. No Apprentice bound or assigned pursuant to this Act, and no Master or Owner in respect of any such Apprentice, shall be liable to any Payment or Contribution to or towards any Hospital or Institution; and all Agreements, Indentures, Assignments, Counterparts, or Tickets made under or in pursuance of and in compliance with the Provisions of this Act shall be exempt from Stamp Duty.

Termination of Apprenticeships generally.

VI. Every such Apprenticeship to the Sea Service shall terminate upon the Expiration of Seven Years from the Date of the Indentures of Apprenticeship, or upon the Apprentice attaining the Age of Twenty-one Years, or at any earlier Time fixed by the Indentures, whichever first happens; but if at the Termination of his Apprenticeship the Apprentice is on a Voyage, he shall continue to serve as an Apprentice until the Return of the Ship to her final Port of Destination in the United Kingdom, but shall after One Calendar Month from such Termination be entitled to the same Wages as an Able-bodied Seaman or Ordinary Seaman of the same Ship, engaged at the Commencement of the Voyage in the United Kingdom, according to his Ability and Qualification; and every Person to whom any Apprentice is bound, or to whom his Indenture of Apprenticeship shall have been assigned, shall at the Termination of his Apprenticeship give up to such Apprentice his Indenture of Apprenticeship, together with his Register Ticket, procured in pursuance of the Provisions of the said recited Act, and in default shall for each such Offence be liable to a Penalty of Twenty Pounds; and all Masters of

of Apprentices under this Act for whom no Register Tickets are already obtained shall, before carrying them to Sea, take them to the General Register Office, or to One of the Custom Houses in the Outports at which the Business of Registration is conducted, and shall there produce the Indentures of Apprenticeship and the Assignments thereof (if any), and a Ticket shall thereupon be granted for each Apprentice, and shall be attached to the Part of Indenture of Apprenticeship retained by the Master, and shall be kept so attached until the Expiration of the Apprenticeship, and shall then be delivered to the Apprentice with his Indenture as aforesaid, under the Penalty aforesaid.

As to cancelling Indentures of Apprenticeship.

VII. No Indenture of Apprenticeship to the Sea Service as aforesaid under this Act shall be cancelled without the Consent of all the Parties thereto, nor without the Consent of the Registrar of Seamen in *London* or of the Collector or Controller of Customs of the Port in which such Cancellation takes place; and such Consent may be given by the Board of Guardians of the Union concerned, or other Persons having Authority as such, as herein-before is mentioned, for the Time being, to be testified by a Copy of a Minute of such Board of Guardians or Persons, signed by the Clerk of the Union for the Time being.

Justices to determine Complaints between Masters and Apprentices.

VIII. Any Justice of the Peace residing at or near to any Port at which any Ship having on board thereof any Apprentice to the Sea Service under this Act arrives, or at any Port at which the Apprentice and his Master may be, may inquire into, hear, and determine all Claims of any such Apprentice upon his Master under his Indentures, and all Complaints of hard or ill Usage exercised by his Master towards him, or of Misbehaviour on the Part of any such Apprentice, and may proceed thereupon as Justices of the Peace are empowered by Law to do between Masters and Apprentices in other Cases; and if the Master of any Ship do not send on shore, in the Charge of the Mate or some other trustworthy Person, any Apprentice desirous of complaining to a Justice of the Peace, so soon as the Service of the Ship will permit, he shall for every such Default be liable to a Penalty of Ten Pounds.

Certain Provisions of recited Act to apply as herein.

IX. The several Enactments and Provisions in the said recited Act contained for the Protection and Registration of Apprentices, or relating to the granting and cancelling of Registry Tickets, Registry and cancelling of Indentures or Assignments thereof, or to Desertion by Apprentices and Punishment of Offences, the Recovery and Application of Penalties, where not otherwise provided for, and the Recovery of Wages, in case any become due to any Apprentice

 under

under this Act, shall apply and extend, or shall be so construed that the same may be extended and applied, to Apprentices bound under this Act by Guardians of the Poor in *Ireland*, or by other Persons appointed to carry into execution the Provisions of the Acts for the Relief of the destitute Poor in *Ireland*, and having the Authority of such Guardians in any such Union, in like Manner, *mutatis mutandis*, as such Enactments and Provisions apply in the Case of Parish Apprentices bound under the Provisions of the said recited Act.

Boys in receipt of Relief, who are desirous of it, may be placed out by the Guardians in the Naval Service.

X. If any Boy, not already an Apprentice in the Merchant Service, who, or whose Parent or Parents, shall be receiving Relief in any Union in *Ireland*, be desirous of serving in the Naval Service of Her Majesty, and be accepted or approved and received by competent Authority in such Service, the Guardians of the Poor of such Union, or the Persons duly appointed and having Authority as such therein, may and they are hereby empowered, with the Consent of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*, to allow any such Boy, with his Consent, to enter into such Naval Service, and to pay, out of the Rates of the Union or Electoral Division, as the Case may be, to which such Boy may at the Time be chargeable, such Sum as may be required by the Regulations of such Service for providing Outfit or otherwise, and also such Expenses as may be necessary to be incurred for the Conveyance of such Boy in charge of a proper Person to the Port or Place in the United Kingdom at which he may be required to attend for Entry into such Service.

SCHE-

Seal.

SANCTIONED BY THE BOARD OF TRADE.

SCHEDULE to which the foregoing Act refers.

APPRENTICE'S INDENTURE.

This Indenture, made the _____ Day of _____ 18___, between [1] the Guardians of the Poor of the _____ Union in the County [2] of _____ of the one Part, and _____ of _____, in the County of _____ [3] _____ of the Ship _____ registered at the Port of [4] _____ of the other Part: Whereas _____ a poor Boy, who is (and whose [5] Parent or Parents is or are) receiving Relief in the said Union, has, of his own Freewill, consented to be bound Apprentice to the said _____: And whereas, *by the [6] Copy or Certificate hereunto annexed of the Entry of his Baptism in the Register Book of the Parish of* _____ *in the County of* _____ it appears that he has attained the Age of _____ Years: And whereas _____ and _____ Two of Her Majesty's Justices of the Peace, are satisfied that the said Boy has freely consented to be bound Apprentice, and has attained the Age aforesaid, and is of sufficient Health and Strength, and do, in testimony of their being so satisfied, sign this Indenture: Now this Indenture witnesseth, that they the said Guardians of the Poor [7] do hereby bind the said _____ Apprentice in the Sea Service to the said _____ his Executors and Administrators, and the Assigns of such Executors or Administrators, or of the Widow of the said _____ (who are herein-after termed "Master or Masters") according to the Provisions of the Statute in that Behalf, for the Term of [8] _____ Years from the Date hereof. And during such Term the said Apprentice shall faithfully serve his said Master or Masters for the Time being, and obey his and their lawful Commands, and keep his and their Secrets, and shall, when required, give to him or them true Accounts of any of his or their Goods or Money which may be committed to the Charge or come to the Hands of the said Apprentice; and shall, in case the said Apprentice enters Her Majesty's Service during the said Term, duly account for and pay or cause to be paid to his said Master or Masters for the Time being all such Wages, Prize Money, and other Monies as may become payable to the said Apprentice for such Service; and shall not, during the said Term, do any Damage to his said Master or Masters for the Time being, nor consent to any such Damage being done by others, but shall if possible prevent the same, and give his said Master or Masters Warning thereof; and shall not embezzle or waste the Goods of his said Master or Masters, nor give or lend the same to others without his or their Licence, nor absent himself from his or their Service without Leave; nor frequent Taverns or Alehouses unless upon his or their Business; nor play at unlawful Games. In consideration whereof, the said _____ hereby agrees with the said Guardians [9] and their Successors, that during the said Term the said Master or Masters for the Time being will and shall teach the said Apprentice or cause him to be taught the Business of a Seaman, and provide the said Apprentice with sufficient Meat, Drink, Lodging, Washing, Medicine, and Medical and Surgical Assistance, and all other Things necessary or fit for an Apprentice; and will so provide for the said Apprentice that he be not a Charge to the said Union or any Electoral Division thereof; and will indemnify the said Union and every Electoral Division thereof against any Charge in respect of the said Apprentice during the Term of his Apprenticeship. In testimony whereof they the said Guardians [9] have caused their Official Seal to be hereunto annexed, and the said other Parties have hereunto affixed their Hands and Seals.

Signatures of Justices. _____ _____ (L.S.) Seal of Board of Guardians. Signature of Presiding Chairman of the Board. _____ (L.S.) Seal and Signature of Master. _____ _____ (L.S.) Seal and Signature of Apprentice. _____ _____

Executed in my Presence, this Day of 18 .
Signature of Constable or Person employed to convey the Apprentice. _____

Clerk.

[10] I, the Guardian [11] of the _____ Electoral Division of the said Union, to which Electoral Division the Cost of the Relief of the said Boy has been heretofore chargeable, do hereby consent to the binding of the said _____ to the said _____ and have, in testimony thereof, hereto affixed my Hand [12], this _____ Day of _____ 18____.

Signatures of Guardians of Electoral Division. } _____ _____

Note.—This Indenture must be executed in Triplicate, on the Day on which it bears Date, in the Presence of the Constable or Person employed to convey the Apprentice, and One Counterpart is to be kept by the Guardians, One by the Master, and One delivered or forwarded, if the Indenture is executed in London, to the Registrar of Seamen, and if in the Outports, to the Collector or Controller of Customs. Wherever procurable, a Copy or Certificate of the Entry of Baptism of the Apprentice in the Register thereof is to be annexed to the Indenture.

Registered at the Port of _____ this _____ Day of _____ 18____
Signed _____

[1] If there are other Officers who perform the Duties of Guardians they must execute the Indenture, and their Title should be substituted for the Words "Guardians of the Poor;" and the Words "Officers duly appointed to carry into execution the Acts for the Relief of the destitute Poor in Ireland, and having Authority as Guardians of the Poor," should be used instead.

[2] Or "Counties," as the Case may be.

[3] Here insert "Master" or "Owner," as the Case may be.

[4] This must be a Port in the United Kingdom.

[5] If this is not so, this Clause should be struck out or altered, as the Fact may be.

[6] This Copy or Certificate must be given by the Minister without Fee. If the Entry cannot be found, or there be none, the Words in Italics must be erased, and the Words "*from such Information as it has been found possible to obtain, the Entry of his Baptism not having been found,*" substituted. The Boy must be above Twelve and under Seventeen.

[7] Or, if there be no Guardians of the Poor, insert these Words, "the said Officers having the Authority of Guardians of the Poor."

[8] This must not be less than Four or more than Seven, and must not extend beyond the Time at which the Apprentice will attain Twenty-one.

[9] Insert other Title, if necessary, as directed at [7].

[10] This Paragraph, and the Signatures of the Guardians of the Electoral Division, to be omitted if the Affairs of the Union be administered by Vice-Guardians, or if the Boy be not chargeable to a separate Electoral Division, or if the written Consent of the Guardian or Guardians of such Electoral Division have been previously obtained on a separate Document.

[11] Or, "We, the Guardians," or "We, being a Majority of the Guardians," where there are more Guardians than One for the Division.

[12] Or "our Hands," as the Case may require.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

specified in the Schedule annexed, in lieu of Duties herein-after repealed.

upon-Tweed, and from and after the Term of *Whitsunday* One thousand eight hundred and fifty-one in *Scotland*, in lieu and instead of the said Duties so payable as aforesaid, and which are herein-after repealed, there shall be assessed, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, upon inhabited Dwelling Houses in and throughout *Great Britain*, the several Duties set forth in the Schedule to this Act annexed, payable according to the annual Value of such Dwelling Houses, which said Schedule shall be deemed and taken to be Part of this Act.

Duties granted to be under Care of Commissioners of Inland Revenue.

Powers and Provisions of former Acts to be in force;

II. The said Duties shall be denominated and deemed to be Duties of Assessed Taxes, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all Powers, Provisions, Rules, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, now in force contained in or enacted by any Act or Acts relating to the Duties of Assessed Taxes, and also all Powers Provisions, Rules, Regulations, Directions, and Exemptions, Fines, Forfeitures, Pains and Penalties, contained in or enacted by any such Act or Acts as aforesaid, with reference to the Duties on inhabited Dwelling Houses according to the Value thereof, as set forth in the Schedule marked (B.) annexed to the said Act of the Forty-eighth Year of King *George* the Third, and which were in force in regard to the said last-mentioned Duties at the Time of the Repeal of such Duties by an Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Nineteen, except as herein-after excepted, shall severally and respectively be and become in full Force and Effect with respect to the Duties hereby granted, and shall be severally and respectively duly observed, applied, practised, and put in execution in the respective Parts of *Great Britain*, for assessing, raising, levying, collecting, receiving, accounting for, and securing the said Duties hereby granted, and otherwise in relation thereto, so far as the same are or shall be applicable, and are not repealed or superseded by and are consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same Powers, Provisions, Rules, Regulations, Directions, and Exemptions, Fines, Forfeitures, Pains, and Penalties, were particularly repeated and re-enacted in this Act with reference to the said Duties hereby granted:

except as herein provided.

Excepting always out of this Enactment any Provisions for or in relation to Compositions for the said Duties set forth in the said Schedule marked (B.), the Exemption in Case II. of Exemptions contained in the same Schedule, and all the Provisions of an Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-nine, and of an Act of the Session holden

holden in the Third and Fourth Years of Her Majesty, Chapter Seventeen.

III. Provided always, That no Market Garden or Nursery Ground occupied by a Market Gardener or Nurseryman *bonâ fide* for the Sale of the Produce thereof, in the Way of his Trade or Business, shall be included in the Valuation of any Dwelling House and Premises in charging the Duties made payable by this Act.

Market Gardens and Nursery Grounds not to be included in Valuation of Houses.

IV. The Duties granted by the said Act of the Forty-eighth Year of King *George* the Third, and now payable in *England*, *Wales*, and *Berwick-upon-Tweed* and in *Scotland* respectively, upon Dwelling Houses, according to the Number of Windows or Lights therein, as set forth in the Schedule marked (A.) to the said Act annexed, shall, at and upon the respective Periods appointed for the Commencement of the Duties granted by this Act, severally cease and determine; save and except as to any of the said Duties hereby repealed which, having been assessed or charged, shall not have been collected, levied, recovered, and accounted for, and also as to all Arrears of any of the said Duties, and all Penalties and Forfeitures incurred at or before such respective Periods, all which said Duties and Arrears of Duties, and Penalties and Forfeitures, shall respectively be collected, levied, recovered, paid, and accounted for as if this Act had not been passed.

Duties on Windows and Lights to cease on Commencement of the Duties granted by this Act;

except those uncollected and Penalties, &c.

V. And whereas a certain Rate of Duty is now payable in respect of Armorial Bearings or Ensigns used or worn by Persons chargeable to the Duties on Houses, Windows, or Lights made payable by the said Act of the Forty-eighth Year of King *George* the Third:

All Persons who shall be chargeable to Duty under this Act shall in respect of Armorial Bearings or Ensigns used or worn by them be subject to the same Rate of Duty as they would have been liable to if they had been chargeable to the said Duties made payable by the said Act.

Persons to be liable to the same Duty for Armorial Bearings as if chargeable to Duties under 48 G. 3. c. 55.

VI. And whereas Assessors of the Duties of Assessed Taxes have in many Parishes and Places been already appointed for the present Year: The Persons so appointed such Assessors shall, without any further or other Appointment or Authority, become and be Assessors of the Duties granted by this Act for the said Year in and for the same Parishes and Places respectively.

Assessors already appointed to be Assessors for the current Year under this Act.

The

The SCHEDULE referred to;

CONTAINING

The Duties by this Act made payable upon Inhabited Dwelling Houses in and throughout Great Britain, according to the annual Value thereof; that is to say,

For every Inhabited Dwelling House which, with the Household and other Offices, Yards, and Gardens therewith occupied and charged, is or shall be worth the Rent of Twenty Pounds or upwards, by the Year,—

Where any such Dwelling House shall be occupied by any Person in Trade who shall expose to sale and sell any Goods, Wares, or Merchandise in any Shop or Warehouse, being Part of the same Dwelling House, and in the Front and on the Ground or Basement Story thereof;

And also where any such Dwelling House shall be occupied by any Person who shall be duly licensed by the Laws in force to sell therein by retail Beer, Ale, Wine, or other Liquors, although the Room or Rooms thereof in which any such Liquors shall be exposed to sale, sold, drunk, or consumed shall not be such Shop or Warehouse as aforesaid;

And also where any such Dwelling House shall be a Farmhouse occupied by a Tenant or Farm Servant, and bonâ fide used for the Purposes of Husbandry only,

There shall be charged for every Twenty Shillings of such annual Value of any such Dwelling House, the Sum of Sixpence;

And where any such Dwelling House shall not be occupied and used for any such Purpose and in manner aforesaid there shall be charged for every Twenty Shillings of such annual Value thereof the Sum of Ninepence.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

den Head in the Township of *Austonley* in the West Riding of the County of *York*, and an Act of the Seventh Year of King *George* the Fourth, Chapter One hundred and thirty-four, for more effectually repairing the Road from *Markfield* Turnpike to the Road leading from *Loughborough* to *Ashby-de-la-Zouch* in the County of *Leicester*, and except as herein-after mentioned.

7 G. 4. c. cxxxiv.

Acts in Schedule to this Act continued till 1st Nov. 1852.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty-two, and no longer, unless Parliament shall in the meantime continue the same respectively.

Short Title.

III. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1851."

Extent of Act.

IV. This Act shall not apply to *Ireland*.

SCHE-

SCHEDULE.

An Act for making a Road from Beach Down near Battle to Heathfield, and from Robertsbridge to Hood's Corner, all in the County of Sussex. 53 G. 3. c. xxii.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Eaton Bridge Turnpike Road at Cockham Hill in the Parish of Westerham in the County of Kent to the Turnpike Road from Croydon to Godstone in the County of Surrey. 53 G. 3. c. xliii.

An Act for amending the Roads from Hodges to Beadles Hill and Cuckfield, and from Beadles Hill to Lindfield, and from the Cuckfield and Crawley Road to Horsham, and from Swingate to Shover Green, all in the County of Sussex. 53 G. 3. c. cviii.

An Act for making and maintaining a Road from the Turnpike Road between North Shields and Newcastle-upon-Tyne to Morpeth Castle, and for making and maintaining Three several Branches of Road to communicate therewith, all lying in the Counties of Northumberland and Durham. 54 G. 3. c. xxix.

An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing the Road from Newcastle-under-Line to Hassop, and from Middle Hills to the Macclesfield Turnpike Road near Buxton, and several other Roads therein described, in the Counties of Stafford and Derby, so far as such Acts relate to the Second District of the said Roads. 54 G. 3. c. cxxv.

An Act for repairing the Road from Sutton in the County of Surrey, through the Borough of Reigate, by Sidlow Mill, to Povey Cross, and several other Roads therein mentioned, in the same County. 55 G. 3. c. xlviii.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty for repairing and widening the Road from Aldermaston to Basingstoke, and several other Roads therein mentioned, in the Counties of Berks and Southampton. 56 G. 3. c. xlvii.

An Act for continuing and amending an Act of His present Majesty, for repairing the Road from the Town of Bedford in the County of Bedford to Kimbolton in the County of Huntingdon. 57 G. 3. c. xxviii.

An Act for making and maintaining a Turnpike Road from Bramley in the County of Surrey to Ridgewick in the County of Sussex. 58 G. 3. c. lxix.

An Act for amending and keeping in repair the Road from Kettering to the Town of Northampton in the County of Northampton. 59 G. 3. c. xli.

An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty, for repairing the Road from Atcham to Condover and Dorrington, and other Roads in the said Act mentioned, in the County of Salop. 59 G. 3. c. l.

An Act for making and maintaining a Turnpike Road from Runcorn to Northwich in the County Palatine of Chester. 59 G. 3. c. lxxxv.

An

Turnpike Acts Continuance.

59 G. 3. c. xcvi. An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing several Roads in the Counties of Worcester, Stafford, and Salop, so far as relate to the Road leading from Pedmore to Holly Hall, and other Roads therein mentioned; and for repairing another Road in the said Counties of Stafford and Salop, or One of them.

1 G. 4. c. lxxxi. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His late Majesty King George the Third, for amending the Road leading from the Turnpike Road in the Parish of Asthall in the County of Oxford to the Turnpike Road at or near Buckland in the County of Berks.

1 & 2 G. 4. c. xi. An Act for enlarging the Term and Powers of several Acts of King George the Second and of His late Majesty King George the Third, for repairing the High Road from the Borough of Ripon, by Ingram Bank, to the Town of Pateley Bridge in the County of York.

1 & 2 G. 4. c. xxxiii. An Act to continue the Term and alter and enlarge the Powers of an Act passed for making and maintaining a Road from the Romford and Whitechapel Road to or near Tilbury Fort in the County of Essex.

1 & 2 G. 4. c. xxxv. An Act for enlarging the Term and Powers of several Acts passed in the Thirtieth Year of the Reign of His late Majesty King George the Second and in the Eighteenth and Thirty-ninth Years of the Reign of His late Majesty King George the Third, so far as the same relate to the Road from Alfold Bars in the County of Surrey to Newbridge in the County of Sussex.

1 & 2 G. 4. c. xxxvi. An Act for more effectually repairing the Road from Brokencross in Macclesfield in the County of Chester to the Turnpike Road at Buxton in the County of Derby, and certain Branches of Road to communicate with the said Macclesfield Road; and for making a new Road from the Waters in Macclesfield to Buxton aforesaid.

1 & 2 G. 4. c. lxxxiv. An Act for repairing the Road from Alemouth, through Alnwick and Rothbury, to Hexham, and a Branch from the said Road between Alnwick and Rothbury to Jockey's Dike Bridge, all in the County of Northumberland.

3 G. 4. c. ii. An Act for repairing and maintaining certain Roads leading to and from Chepstow and other Places in the Counties of Monmouth and Gloucester, called the District of Chepstow and the New Passage District.

3 G. 4. c. viii. An Act for more effectually repairing and improving the Road from the Old Bridge in the Town of Stockport in the County Palatine of Chester to or near Marple Bridge in the said County; and a Branch from the said Road, near Marple Bridge aforesaid, to or near Thornset Gate in the County of Derby.

4 G. 4. c. i. An Act for building a Bridge over the River Severn at or near the Haw Passage in the County of Gloucester, and for making convenient Roads thereto.

4 G. 4. c. xiii. An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster.

4 G. 4. c. xiv An Act for making and maintaining a Turnpike Road from Stroud to Bisley in the County of Gloucester.

4 G. 4. c. xxii. An Act for more effectually repairing the Road leading from the Bolton and Blackburn Road in Sharples to the Blackburn and Preston Road in Hoghton in the County of Lancaster, called the Sharples and Hoghton Turnpike Road.

An

Turnpike Acts Continuance.

An Act for more effectually repairing the Road leading from the Botley Turnpike Road on Curdridge Common in the Parish of Bishops Waltham to the Gosport Turnpike Road at or near Filmer Hill in the Parish of West Meon, with a Branch from the said Road on Corhampton Down to the Village of Corhampton, all in the County of Southampton. 4 G. 4. c. xlvi.

An Act for improving and repairing divers Roads in the Counties of Stafford and Salop comprised in Three Districts called the Eccleshall, Newport, and Watling Street District, the Newcastle and Eccleshall District, and the Hilton and Honnington District. 4 G. 4. c. xlvii.

An Act for making and maintaining a Turnpike Road from Holehouse or Riding near Greenfield in Saddleworth, to join the Stayley Turnpike Road, and also to join the Halifax and Sheffield Turnpike Road, all in the West Riding of the County of York. 4 G. 4. c. lviii.

An Act for better and more effectually improving and keeping in repair the Road leading from the Town of Kingston-upon-Thames in the County of Surrey to a Place called Sheetbridge, near Petersfield, in the County of Southampton. 4 G. 4. c. lxxix.

An Act for more effectually repairing the Road leading from the Lord Nelson Public House upon the Road between Burnley and Colne in the Township of Marsden in the Parish of Whalley in the County Palatine of Lancaster to Gisburne in the West Riding of the County of York, and from thence to the Road leading from Skipton to Settle at or near Long Preston in the said West Riding of the County of York. 5 G. 4. c. iii.

An Act for making and maintaining a Turnpike Road from Marehill in the Parish of Pulborough, through Shipley, to the Direction Post on the Turnpike Road leading from Horsham to Steyning at Southwater in the Parish of Horsham, with several Branches therefrom, all in the County of Sussex. 5 G. 4. c. xvi.

An Act for more effectually repairing and amending the Road leading from the High Street in the Town of Arundel to the Turnpike Road leading from Petworth to Stopham on Fittleworth Common in the County of Sussex. 5 G. 4. c. xvii.

An Act for making a Turnpike Road from Redbrook to Saint Arvans in the County of Monmouth, and for building a Bridge on the Line of the said Road over the River Wye, and for making other Turnpike Roads to communicate therewith, in the Counties of Monmouth and Gloucester. 5 G. 4. c. xxix.

An Act for more effectually amending the Roads from Whitchurch in the County of Salop to that Part of the Road leading from Nantwich in the County of Chester to Newcastle-under-Lyne in the County of Stafford which passes through the Township of Madeley in the said County of Stafford, and also from Hinstock in the said County of Salop to Nantwich aforesaid. 5 G. 4. c. xxxii.

An Act for making and maintaining a Road from Blackburn to Preston, and Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River Ribble, all in the County Palatine of Lancaster. 5 G. 4. c. lv.

An Act for making and maintaining a Turnpike Road leading from the Eastern Side of a certain Bridge called Spittle Hill Bridge, over Moorgate Beck, in the Parish of Clarborough in the County of Nottingham, to Littleborough Ferry in the same County. 5 G. 4. c. lvii.

Turnpike Acts Continuance.

5 G. 4. c. lx. An Act for amending and improving the Road from Cambridge to Ely, and other Roads therein mentioned, in the County of Cambridge; and for making a Road from or near the Town of Littleport in the Isle of Ely to the Ferry or Floating Bridge over the Hundred Feet River in the Parish of Welney in the County of Norfolk.

5 G. 4. c. cxvi. An Act for amending and improving the Road from Porthdinllaen to or near Cerrig-y-Rhwydyr, and from Tan-y-Graig in the Parish of Bodvean to Pwllheli, and from thence to Llanystymdwy, and from Cerrig-y-Rhwydwr aforesaid to or near Capel Cerrig and for making a Road from Pwllheli aforesaid to Penrhyndu in the Parish of Llanengan, all in the County of Caernarvon.

5 G. 4. c. cxliii. An Act for making and maintaining a Turnpike Road from the Road leading from Manchester to Bolton, to communicate with the Road from Bury to Bolton, in the County Palatine of Lancaster.

6 G. 4. c. xii. An Act for making and maintaining a Turnpike Road from Kirkby Stephen in the County of Westmoreland into the Sedbergh and Kirkby Kendal Turnpike Road, and out of and from the same Turnpike Road to Hawes in the North Riding of the County of York, and a new Branch from Hawes aforesaid to the Village of Gayle in the Township of Hawes.

6 G. 4. c. xxxviii. An Act for making and maintaining a Turnpike Road from Wakefield to join the Shepley Lane Head Turnpike Road in Denby Dale in the Parish of Penistone, with certain Branches, all in the West Riding of the County of York.

6 G. 4. c. xlii. An Act for making and maintaining a Turnpike Road from Eccleshill to Bradford in the County of York.

6 G. 4. c. xlvi. An Act for repairing the Road from Kingston-upon-Thames to Leatherhead in the County of Surrey.

6 G. 4. c. lxxxvi. An Act for amending, improving, and maintaining the Road from Lockwood to Meltham, and the Branch of Road to Meltham Mills, all in the Parish of Almondbury in the West Riding of the County of York.

7 G. 4. c. xi. An Act for improving the Road from Collingham in the West Riding of the County of York to the City of York, and for making certain Diversions from such Road.

7 G. 4. c. lxxv. An Act for more effectually amending, widening, altering, improving, and maintaining the Road from the Town of Alnwick in the County of Northumberland, by Eglingham and Chatton, to the Great North Turnpike Road near to Haggerston Toll Bar in the County of Durham.

7 G. 4. c. lxxxiv. An Act for more effectually making, repairing, and improving certain Roads leading to and from Liskeard, and certain other Roads therein mentioned, in the Counties of Cornwall and Devon.

7 G. 4. c. lxxxviii. An Act for amending, repairing, and maintaining the Turnpike Road from the South End of the Town of Rotherham in the County of York to the present Turnpike Road near Pleasley in the County of Derby.

7 & 8 G. 4. c. iv. An Act for making and maintaining a Turnpike Road from Temple Normanton in the Parish of Chesterfield to the Mansfield and Tibshelf Turnpike Road at or near Tibshelf Side Gate in the County of Derby.

An

Turnpike Acts Continuance.

An Act for making and maintaining a Road from Chappel's Corner in the Parish of Ashcott to join the Bristol Turnpike Road at or near Rowberrow Hill, all in the County of Somerset. 7 & 8 G. 4. c. v.

An Act for more effectually repairing and improving the Road from Shillingford in the County of Oxford, through Wallingford and Pangborne, to Reading in the County of Berks; and for repairing and maintaining a Bridge over the River Thames at or near Shillingford Ferry. 7 & 8 G. 4. c. xix

An Act for more effectually repairing the Roads leading from Romsey to Stockbridge and Wallop, and other Roads therein mentioned, in the County of Southampton. 7 & 8 G. 4. c. lxi.

An Act for more effectually repairing the Road from Bury to Little Bolton in the County Palatine of Lancaster. 9 G. 4. c. xi.

And the Acts continued by any of the Acts in this Schedule mentioned.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO.

VICTORIÆ REGINÆ.

***

or Extinguishment of Arrears.

Consents as herein-after mentioned of the Mortgagees be obtained, an Application be made to One of Her Majesty's Principal Secretaries of State for a Provisional Order to reduce the Rate of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of such Road, to such Amount as may be resolved on at such Meeting, and for extinguishing in whole or in part the Arrears of the Interest on such Debts, or for either of such Purposes; and where any such Resolution as aforesaid is made, such Trustees or Commissioners shall cause Notice to be given, by Advertisement or otherwise, of such Resolution, with such Information in relation to the Matter of the proposed Application, and the Consents required by this Act, as such Trustees or Commissioners may think fit; and in case it appear to such Trustees or Commissioners at any General Annual or other Meeting, that the Persons entitled to Two Thirds of the Money charged or secured on the Tolls or Revenues of such Road, and remaining unpaid, have signified in Writing under their Hands their Consent to the proposed Application, it shall be lawful for such Trustees or Commissioners to make an Application accordingly to One of Her Majesty's Principal Secretaries of State for a Provisional Order for such Reduction as aforesaid of the Rate of Interest on the said Debts, and for extinguishing in whole or in part the Arrears of Interest thereon, or for either of such Purposes; and such Application shall be signed by Three or more of such Trustees or Commissioners, who shall therein certify that the Consents required by this Act to such Application have been given.

Power to Executors, &c. to consent.

II. All Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who, as such, are for the Time being entitled to any Money charged or secured on the Tolls or Revenues of any such Road, may consent to any such Application as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Secretary of State may make a Provisional Order in pursuance of the Application;

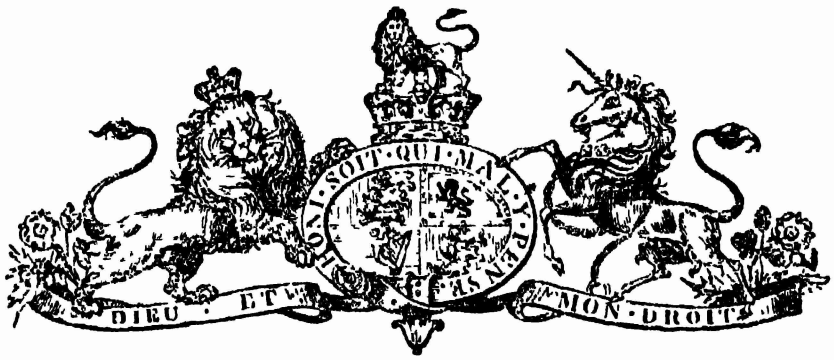
which Order to be binding if confirmed by Parliament.

III. It shall be lawful for such Secretary of State, if he think fit, after Receipt of any such Application as aforesaid, to make a Provisional Order under his Hand in pursuance of such Application; and such Secretary of State shall cause such Provisional Order to be published in such Manner as he may think fit; and in case it be enacted by any Act of Parliament that such Provisional Order shall be confirmed and be absolute, such Provisional Order shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament; and every such Act shall be deemed a Public General Act.

IV. The

IV. The Words "Implements of Husbandry," in Section Thirty-six of Chapter One hundred and twenty-six of the Statute of the Third Year of King *George* the Fourth, shall be deemed to include Threshing Machines; and the Word "Constable," in Section One of Chapter Eighty-eight of the Statute of the Third and Fourth Years of Her present Majesty, shall be deemed to include Superintending Constables appointed under the Statute of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty. Construction of Terms.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

that any Person then having a Right to vote in the Election for any City or Borough, except as therein mentioned, in virtue of any other Qualification than as a Burgess or Freeman or as a Freeman and Liveryman, or in the Case of a City or Town being a County of itself as a Freeholder or Burgage Tenant as therein-before mentioned, should retain such Right of voting so long as he should be qualified as an Elector according to the Usage and Custom of such City or Borough, or any Law then in force subject as in the said Act mentioned: And whereas it is expedient to amend the Act of the last Session of Parliament, Chapter Ninety-nine, so far as it may affect the Rights reserved by the said several Sections of the said Act of the Second and Third Years of King *William* the Fourth: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 & 14 Vict. c. 99.

Right of voting reserved by recited Provisions of 2 & 3 W. 4. c. 45. to Persons then entitled not to be affected by the Change of Rating under 13 & 14 Vict. c. 99.

I. Where any Person to whom a Right of voting was retained or reserved by the recited Provisions of the said Act of the Second and Third Years of King *William* the Fourth is or shall be the Occupier of any such Tenement as in the said Act of the last Session of Parliament mentioned, and the Owner of such Tenement has been or shall be rated to the Relief of the Poor instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such Tenement, or such Occupier shall have tendered the Amount thereof in the Manner prescribed by such Act, such Occupier shall be entitled, not only to the Municipal Privileges and Franchises reserved to him by such Act, but also to all such Right of voting at Elections of a Member or Members to serve in Parliament for any City or Borough, and all other Rights and Privileges, as such Occupier would have been entitled to under the recited Provisions of the said Act of the Second and Third Years of King *William* the Fourth, and the other Provisions of such Act, and any Acts amending the same, relating to the Right of voting so retained or reserved, if such Occupier had been himself rated in respect of such Tenement, and had duly paid or tendered the Rate or Rates to which he was liable in consequence of such Rating.

Construction of the Words "Tenement,"

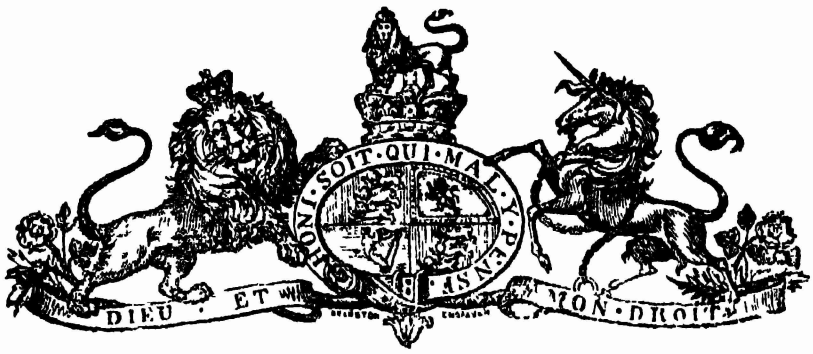
II. That the Word "Tenement" in the said recited Act of the last Session of Parliament shall be construed to mean any House, Cottage, Apartment, or Building, and Land in the same Parish held with the same or any of them, but shall not include any other Land or corporeal Hereditament.

and "Rates for the Relief of the Poor."

III. That the Words "Rates for the Relief of the Poor" in the said recited Act of last Session of Parliament shall be construed to mean

mean Rates for the Relief of the Poor and for other Purposes chargeable thereon according to Law; and that the Owners of any Tenements who shall be liable to be rated in respect of such Tenements to any such Rate by virtue of the same Act shall also be liable to be rated to any Rate or Rates authorized to be assessed and levied by the Second Section of the Act of the Session of Parliament holden in the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixty-five.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Certificate of Notice to be issued on Request.

II. The Marriage Registrar, upon being requested so to do by or on behalf of the Party by whom the Notice was given, and One of the Parties intending Marriage having made Oath or Declaration as herein-after required, shall issue under his Hand a Certificate of such Notice having been given, and of such Oath or Declaration having been made; provided no lawful Impediment according to the Law of *England* be shown to the Satisfaction of the Marriage Registrar why such Certificate should not issue, and the Issue of such Certificate have not been sooner forbidden, in manner herein-after mentioned, by any Person or Persons by this Act authorized in that Behalf: Provided always, that where by such Oath or Declaration it appears that One of the Parties intending Marriage (not being a Widower or Widow) is under Twenty-one Years of Age, the Marriage Registrar shall not issue such Certificate until the Expiration of such Period after the giving of such Notice as may be in this Behalf provided by such Laws or Regulations as herein-after mentioned.

Proviso.

Who to give Consent if Parties under Age.

III. The Father, if living, of any Party under Twenty-one Years of Age, such Party not being a Widower or Widow, or, if the Father be dead, the Guardian or Guardians of the Person of the Party so under Age lawfully appointed, or One of them, and in case there be no such Guardian, then the Mother of such Party, if unmarried, shall have Authority to give Consent to the Marriage of such Party; and such Consent is hereby required for the Marriage of such Party so under Age, unless there be no Person authorized to give such Consent resident in India.

Issue of Registrar's Certificate may be forbidden.

IV. Every Person whose Consent to a Marriage is required as aforesaid is hereby authorized to forbid, in such Manner as may be provided by such Laws or Regulations as herein-after mentioned, the Issue of the Marriage Registrar's Certificate; and in case the Issue of any such Certificate be so forbidden the Notice and all Proceedings thereupon shall be utterly void: Provided always, that (subject to such Laws and Regulations) if either of the Parties intending Marriage allege that the Person forbidding the Issue of such Certificate is not authorized by Law so to do, the Marriage Registrar shall examine into such Allegation, and if he be satisfied that such Person is not authorized as aforesaid shall act in like Manner, and the like Proceedings may be had under this Act in relation to such Marriage, as if the Issue of such Certificate had not been forbidden by such Person.

Supreme Court or Judge of the Zillah or

V. If any Person whose Consent is necessary to any Marriage under this Act shall be *non compos mentis*, or if any such Person (other than the Father) shall, without just Cause, withhold his or her Consent to

to a Marriage, the Parties intending Marriage may apply by Petition, where the Person whose Consent is necessary is resident within any of the Towns of *Calcutta*, *Madras*, and *Bombay*, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place in which such Person is resident, or if such Person be not resident within any of the said Towns, then to the Judge of the Zillah or like District within which such Person is resident, or to such other Person as may for this Purpose be appointed under the Laws or Regulations herein-after mentioned; and the said Supreme Court or any Judge thereof or such Judge of the Zillah or District, or such other Person, shall be empowered to examine the Allegations of the Petition in a summary Way; and if upon such Examination such Marriage appear proper, such Supreme Court or any Judge thereof, or such Judge of the Zillah or District, or such other Person, shall declare the same to be so, and such Declaration shall be as good and effectual as if the Person whose Consent was needed had consented to the Marriage; and in case such Person has forbidden the Issue of the Marriage Registrar's Certificate, such Certificate shall be issued, and the like Proceedings may be had under this Act in relation to the Marriage, as if the Issue of such Certificate had not been forbidden by such Person, anything herein-before contained to the contrary notwithstanding.

District may relieve where Consent improperly withheld.

VI. Before any such Certificate as aforesaid shall be issued by any Marriage Registrar, One of the Parties intending Marriage shall appear personally before such Marriage Registrar, and shall make Oath, or shall make his or her solemn Declaration instead of an Oath, that he or she believeth that there is not any Impediment of Kindred or Affinity or other lawful Hindrance to the said Marriage, and that both the Parties to the intended Marriage have, or (where the Parties have dwelt in the Districts of different Marriage Registrars) that the Party making such Oath or Declaration hath, for the Period required by such Laws or Regulations as are herein-after mentioned, had their, his, or her usual Place of Abode within the District of such Marriage Registrar, and where either or each of the Parties, not being a Widower or Widow, is under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person resident within the Territories under the Government of the *East India* Company having Authority to give such Consent, as the Case may be: Provided always, that where under the foregoing Provision the said Supreme Court or a Judge thereof, or such Judge of the Zillah or like District, or such other Person as aforesaid, declares the Marriage to be proper, it shall not be necessary to make Oath or declare that such Consent has been obtained to such Marriage.

Oath or Declaration to be made before Issue of Certificate.

VII. Any

Protest against Issue of Certificate may be entered.

VII. Any Person may, in manner provided by such Laws or Regulations, enter a Protest with the Marriage Registrar against the Issue of a Certificate for the Marriage of any Person named therein; and if any Protest be so entered, no Certificate shall issue until the Marriage Registrar shall have examined into the Matter of the Protest, and is satisfied that it ought not to obstruct the Issue of the Certificate for the said Marriage, or until the Protest be withdrawn by the Party who entered the same.

Appeal where Registrar refuses Certificate.

VIII. In all Cases whatsoever where the Marriage Registrar has refused such Certificate as aforesaid, it shall be lawful for either of the Parties intending Marriage to apply by Petition, where the District of such Registrar is within any of the Towns of *Calcutta*, *Madras*, and *Bombay*, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place within which such District is comprised, or if such District be not within any of the said Towns then to the Judge of the Zillah or like District within which the same is comprised, or to such other Person as may for this Purpose be appointed by the Laws or Regulations herein-after mentioned; and the said Supreme Court or any Judge thereof, or such Judge of the Zillah or like District, or such other Person, shall be empowered to examine the Allegations of the Petition in a summary Way, and shall decide thereon; and the Decision of such Supreme Court or a Judge thereof, or of such Judge of the Zillah or like District, or of such other Person, shall be final, and the Marriage Registrar to whom the Application was originally made shall proceed in accordance therewith, anything herein-before contained notwithstanding.

After Issue of Certificate, Marriage may be solemnized in the Presence of Marriage Registrar and Two Witnesses.

IX. After the Issue of the Certificate of the Marriage Registrar, or, where Notice is required to be given under this Act to the Marriage Registrars for different Districts, after the Issue of the Certificates of the Marriage Registrars for such Districts, Marriage may be solemnized between and by the Parties described in such Certificate or Certificates, according to such Form and Ceremony as they may see fit to adopt; provided nevertheless, that every such Marriage shall be solemnized between such Hours as shall be fixed by the Laws or Regulations herein-after mentioned, in the Presence of some Marriage Registrar, to whom shall be delivered such Certificate or Certificates as aforesaid, and of Two or more Witnesses; provided also, that in some Part of the Ceremony each of the Parties shall declare,

> 'I do solemnly declare, That I know not of any lawful 'Impediment why I, *A.B.*, may not be joined in Matrimony 'to *C.D.*;' or shall declare to the like Effect.

And

And each of the Parties shall say to the other,

'I call upon these Persons here present to witness, That I, '*A.B.*, do take thee, *C.D.*, to be my lawful wedded Wife [*or* 'Husband];' or Words to the like Effect.

Provided also, that there be no lawful Impediment to the Marriage of such Parties.

When Marriage is not had within Three Months after Notice, a new Notice required.

X. Whenever a Marriage is not had within Three Calendar Months after the Notice shall have been so entered by the Marriage Registrar, the Notice and the Certificate which may have been issued thereupon, and all other Proceedings thereupon, shall be utterly void; and no Person shall proceed to solemnize the Marriage, nor shall any Marriage Registrar register the same, until new Notice shall have been given, and Entry made, and Certificate thereof given, at the Time and in the Manner aforesaid.

Marriages to be registered.

XI. After the Solemnization of any Marriage under this Act the Marriage Registrar present at the Solemnization thereof shall forthwith register such Marriage in duplicate, that is to say, in a Marriage Register Book according to the Form of Schedule to this Act annexed, and also in a Certificate attached to the Marriage Register Book, as a Counterfoil; and the Entry of such Marriage in both the Certificate and the Marriage Register Book shall be signed by the Person by or before whom the Marriage has been solemnized, if there be any such Person, and by the Marriage Registrar present at such Marriage, whether or not the Marriage is solemnized by him, and also by the Parties married, and attested by Two Witnesses; and every such Entry shall be made in Order from the Beginning to the End of the Book, and the Number of the Certificate shall correspond with that of the Entry in the Marriage Register Book.

Certificates of Marriages to be transmitted periodically to the Secretary of the Government, &c.

XII. The Marriage Registrar shall forthwith separate the Certificate from the Marriage Register Book, and transmit it, at the End of every Month, to the Secretary to the Government of the Presidency or Place within which he resides, or to such other Officer as may for this Purpose be appointed under the Laws or Regulations herein-after mentioned; and if no Marriage have been registered during such Month, the Marriage Registrar shall certify such Fact under his Hand, and such Certificate shall be transmitted as aforesaid; and the Marriage Registrar shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other Officer as aforesaid, to be kept by him with the Records of his Office; provided that with regard to those Marriages so certified, of which it may appear to the Governor General in Council desirable

that Evidence should be transmitted to *England*, the Secretary to the Government, or such other Officer as aforesaid, shall, at the End of every Three Calendar Months in each Year, send all the Certificates of Marriage sent to him as aforesaid during such Three Months, signed by him, to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*.

Proof of Residence of Parties or Consent not necessary to establish Marriage.

XIII. After any Marriage has been solemnized under this Act, it shall not be necessary, in support of such Marriage, to give any Proof in respect of the Dwelling of the Parties, or of the Consent of any Person whose Consent thereunto is required by Law, nor shall any Evidence be given to prove the contrary, in any Suit touching the Validity of such Marriage.

Registrar may ask certain Particulars of Parties.

XIV. It shall be lawful for the Marriage Registrar before whom any Marriage is solemnized according to the Provisions of this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

Persons vexatiously entering Protests liable to Costs and Damages.

XV. Every Person who shall enter a Protest with the Marriage Registrar, against the Issue of any Certificate on Grounds which such Marriage Registrar, or the Supreme Court of the Presidency or Place, or any Judge thereof, or the Judge of the Zillah or like District, or other Person, to whom upon the Refusal of such Certificate an Application is authorized by this Act, declares to be frivolous, and such as ought not to obstruct the Issue of the Certificate, shall be liable for the Costs of all Proceedings in relation thereto, and for Damages, to be recovered by Suit by the Party against whose Marriage such Protest was entered.

Punishment of Persons making false Oath or Declaration.

XVI. Every Person who shall knowingly and wilfully make any false Oath or false Declaration, or sign any false Notice or Certificate, required by this Act, or by any such Laws or Regulations as hereinafter mentioned, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Marriage Registrar's Certificate by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall, on Conviction, be liable to be punished in such Manner as by such Laws or Regulations may be provided.

Limitation of Prosecution.

XVII. Every Prosecution under this Act shall be commenced within such Time after the Offence committed as by such Laws or Regulations may be provided.

XVIII. The

XVIII. The Government of each Presidency or Place in *India* may appoint Marriage Registrars for the Purposes of this Act, and may assign Districts to the Registrars so to be appointed; and in respect of any Places within the Territories of any Native Prince or State in alliance with the *East India* Company, the Governor General of *India* in Council may appoint such Marriage Registrars and assign to them Districts.

Government of each Presidency may appoint Marriage Registrars, &c. Governor General may appoint in certain Cases.

XIX. The Government of each such Presidency and Place may from Time to Time appoint reasonable Fees to be taken of the Parties intending Marriage, for receiving and publishing Notices of Marriage, and for issuing Certificates, entering Protests, and registering Marriages under this Act; and all such Fees shall be accounted for and paid over by the Marriage Registrars to the Government Treasury, and the Government shall provide all necessary Books and Papers for giving Effect to the Provisions of this Act.

Government of each Presidency may appoint Fees to be taken under this Act, to be accounted for by Marriage Registrars.

XX. It shall be lawful for the Governor General of *India* in Council from Time to Time, by Laws and Regulations (not inconsistent with the Provisions of this Act) to be made in the Manner and subject to the Provisions by Law required in respect of Laws and Regulations made by the said Governor General in Council, to provide for the Inspection and Publication of Notices of Marriage given under this Act, for the Custody and Protection from Injury of Marriage Register Books, for Appeals from and References in Cases of Doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under this Act, for fixing the Hours between which Marriages may be solemnized under this Act, for appointing the Officers to whom Certificates are to be transmitted by the Marriage Registrars, and generally for giving Effect to the Provisions of this Act.

Governor General in Council empowered to make Laws and Regulations for the Purposes of this Act.

XXI. Nothing herein contained shall invalidate or affect any Marriage which may be solemnized in *India* by Persons in Holy Orders, or any Marriages which may be solemnized under the Provisions of the Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or any other Marriages which under the Laws for the Time being in force in *India* might have been there solemnized in case this Act had not been passed: Provided that it shall be lawful for the Governor General of *India* in Council, from Time to Time by Laws and Regulations to be made as aforesaid, to provide for the Registration of any Marriages solemnized in *India* by Persons in Holy Orders, or of any Marriages there solemnized under the Provisions of the said Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or of any other Marriages there solemnized,

Marriages may continue to be solemnized as heretofore.

Power to Governor General in Council to make Laws for the Registration of Marriages not solemnized under this Act.

solemnized, of which it may appear to the said Governor General in Council desirable that Evidence should be transmitted to *England*, and to provide for the Care and Custody of the Registers of such Marriages, and for the Transmission of Certificates thereof to the Secretaries of the Governments of the respective Presidencies, or to other Officers, and for their sending the same to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*, and also to provide for the Authentication of such Certificates.

Certificates delivered to Registrar General under this Act, or under any Laws or Regulations made thereunder, to be subject to the Provisions of 6 & 7 W. 4. c. 86.

XXII. The Certificates which shall be delivered to the Registrar General of Births, Deaths, and Marriages in *England*, under this Act, or under any Laws or Regulations to be made thereunder, shall be kept in the General Register Office, in the same Manner, and Indexes thereof shall be made and Searches permitted, and Copies thereof, sealed or stamped with the Seal of the General Register Office, shall be given, in the like Manner as by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, is provided concerning the certified Copies (kept in such Office under the said Act) of the Registers of Births, Deaths, and Marriages in *England*; and every certified Copy, purporting to be sealed or stamped with the Seal of the said General Register Office, of any such Certificate delivered to the said Registrar General under this Act, or under such Laws or Regulations, shall be received as Evidence of the Marriage to which the same relates, without further Proof of such Certificate, or of any Entry therein.

Marriages under this Act valid.

XXIII. All Marriages solemnized under this Act shall be good and valid in Law to all Intents and Purposes.

Certain Marriages in India confirmed.

XXIV. And whereas it is expedient to remove all Doubt concerning the Validity of Marriages heretofore solemnized in *India* by Persons not in Holy Orders: All such Marriages, if not otherwise invalid, shall be deemed and held to be valid in Law to all Intents and Purposes.

Interpretation of "India."

XXV. In the Construction of this Act the Word "*India*" shall include all Territories for the Time being under the Government of the *East India* Company, and all Territories of any Native Princes or States in alliance with the said Company.

Commencement of Act.

XXVI. This Act shall, so far as respects the Authority to make such Appointments, Laws, and Regulations as are herein authorized to be made, commence and take effect from and after the passing thereof, and as to all other Matters and Things commence and take effect

effect from and after the First Day of *January* One thousand eight hundred and fifty-two, or such other Day as the Governor General of *India* shall direct.

XXVII. The Governor General of *India*, and the Governors of the several Presidencies in *India*, shall cause this Act to be published Three Times in each of the Government Gazettes of the several Presidencies, the first of such Publications to be made within Six Weeks after this Act shall have been received in such respective Presidencies. Publication of Act.

SCHEDULE to which this Act refers.

MARRIAGE REGISTER BOOK.

No.	When married.	Name and Surname.	Whether of full Age or a Minor.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17th May 1851.	*William Smith.*	*Of full Age.*	*Bachelor*	*Surgeon*	*4, Clive Street, Barrackpore.*	*John Smith.*	*Esquire.*
		Anne Green.	*Minor*	*Widow*	- -	- - -	*James Hastings.*	*Esquire.*

Married in the House of *A. B.* by [*or* before] me,

William Johnson, Marriage Registrar.

This Marriage was solemnised between us, { *William Smith,* / *Anne Green,* } in the Presence of { *Peter Smith,* / *James Hastings.* }

CERTIFICATE OF MARRIAGE.

No.	When married.	Name and Surname.	Whether of full Age or a Minor.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17th May 1851.	*William Smith.*	*Of full Age.*	*Bachelor*	*Surgeon*	*4, Clive Street, Barrackpore.*	*John Smith.*	*Esquire.*
		Anne Green.	*Minor*	*Widow*	- -	- - -	*James Hastings.*	*Esquire.*

Married in the House of *A. B.* by [*or* before] me,

William Johnson, Marriage Registrar.

This Marriage was solemnised between us, { *William Smith,* / *Anne Green,* } in the Presence of { *Peter Smith,* / *James Hastings.* }

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

be regulated as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Salary payable to the Chief Justice of the Court of Queen's Bench at *Westminster* shall be (and shall as from the Time of the Death of the said *Charles* Lord *Tenterden* be deemed to have been) reduced to the yearly Sum of Eight thousand Pounds, and the Salary payable to the Chief Justice of the Court of Common Pleas at *Westminster* shall be (and shall as from the Time of the Resignation of such Office by the Right Honourable *Thomas* Lord *Truro* be deemed to have been) reduced to the yearly Sum of Seven thousand Pounds, such Salaries respectively to be subject to the Provisions of the said Act of the Second and Third Years of King *William* the Fourth concerning the Salaries granted under the Authority of that Act.

Salaries of Chief Justices of Queen's Bench and Common Pleas.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Woods, Forests, and Land Revenues, and the Duties and Powers then performed and exerciseable by the Surveyor General of His Majesty's Works and Public Buildings; the Persons so appointed to be called "The Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings:" And whereas under and by virtue of another Act of the same Session, Chapter One hundred and twelve, and an Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Sixty-nine, the Land Revenues of the Crown in *Scotland* (except as by the said Acts excepted) were placed under the Management of the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings: And whereas the Powers of such Commissioners in relation to the Possessions and Land Revenues of the Crown have been altered and extended by other Acts of Parliament: And whereas by the several Acts mentioned in the Schedule to this Act certain Duties and Powers have been imposed on and vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and in relation to the Improvement of the Metropolis, and the other Purposes in such Acts mentioned: And whereas it is expedient that the Direction of Her Majesty's Works and Public Buildings, and such of the Duties imposed on the said Commissioners appointed under the said Act of the Second and Third Years of King *William* the Fourth as do not concern the Possessions and Land Revenues of the Crown, should be separated from the Management of such Possessions and Land Revenues: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 W. 4. c. 112.

3 & 4 W. 4. c. 69.

Style of First Commissioner of Works, &c. and Commissioners of Woods, Forests, and Land Revenues.

I. From and after the Commencement of this Act the Person who may then be the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be First Commissioner of Her Majesty's Works and Public Buildings under this Act, and the Persons who at the Time of the Commencement of this Act may be Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, except such First Commissioner, shall be Commissioners under this Act, by the Style of "The Commissioners of Her Majesty's Woods, Forests, and Land Revenues," and the Persons so to become respectively on the passing of this Act First Commissioner of Her Majesty's Works and Public Buildings, and Commissioners of Her Majesty's Woods, Forests, and Land Revenues, shall continue to hold their respective Offices during Her Majesty's Pleasure, and no longer, and it shall be lawful for Her Majesty, upon the Death of such Persons respectively, or on their Resignation or Removal of or from such respective Offices, and from Time to Time thereafter, by Warrant under

under Her Royal Sign Manual, to appoint some other Persons to such respective Offices during Her Majesty's Pleasure.

Commissioners of Woods, &c. under this Act to perform the Duties of the present Commissioners of Woods, &c., except as otherwise provided by this Act.

II. Except as otherwise herein provided, all Duties and Powers which if this Act had not been passed would have been performed and exercised, and all Rights, Privileges, Hereditaments, Properties, and Exemptions whatsoever enjoyed by or vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, shall be performed and exercised, enjoyed or vested, by and in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being under this Act; and, except as otherwise provided by this Act, all Acts of Parliament, Deeds, Bonds, Contracts, Agreements, and other Instruments in which the Commissioners or First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the Commissioners or First Commissioner of Her Majesty's Woods, Forests, and Land Revenues, are or is named or mentioned, shall apply to the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues under this Act, as if such last-mentioned Commissioners had been originally named or mentioned in such Acts of Parliament, and named or mentioned in or made Parties to such Deeds, Bonds, Contracts, Agreements, and other Instruments respectively, instead of the Commissioners or Commissioner named or mentioned therein, or made Parties or Party thereto.

Powers of borrowing on Mortgage under 4 & 5 Vict. c. 40. and 7 & 8 Vict. c. 1. to be vested in Commissioners under this Act, and to be exercised only for discharging existing Charges.

III. All such Powers of borrowing Money on Mortgage and other Powers as are vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings by the Act of the Session of Parliament holden in the Fourth and Fifth Years of Her Majesty, Chapter Forty, and the Act of the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty, Chapter One, shall be vested in and may be exercised by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, with such Consent and Approbation and in such Manner as by the said Acts provided in relation to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and for the Purposes of such Acts the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be a Corporation, in the Place of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings: Provided always, that so much of the said Acts as relates to the Purposes for which Money is to be borrowed under the said Acts, and the Application thereof, shall be repealed, and such Money shall and may be borrowed under the said Acts as amended

amended by this Act for the Purpose of discharging any Mortgage Debt or Charge for the Time being affecting the Land Revenues of the Crown, and for no other Purpose, and such Money shall be applied accordingly: Provided also, that the Receipts in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be sufficient Discharges for any Money so borrowed to the Persons or Bodies advancing the same, and such Persons or Bodies shall not be bound to see to the Application thereof.

Salaries of Commissioners of Woods, &c.

IV. So much of the said Acts of the Tenth Year of King *George* the Fourth, and of the Second and Third Years of King *William* the Fourth, Chapter One, as relates to the Salary of the First Commissioner, and so much of the said Acts as makes the Salaries of the Commissioners of Woods, Forests, and Land Revenues chargeable on the annual Income thereof, shall be repealed, and the Salaries of such Commissioners, and of the Officers, Clerks, and Messengers in the Office of the Commissioners of Woods, Forests, and Land Revenues, shall be defrayed out of such Monies as shall be from Time to Time provided by Parliament.

Treasury may assign separate Duties to each Commissioner.

V. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, as they may see fit, by Order under their Hands, to assign to each of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues the Management or Direction of or in relation to any separate Part or Parts of the Woods, Forests, and Land Revenues under the Management of such Commissioners, and to assign to each of such Commissioners any of the Duties or Powers which but for such Assignment should or might be performed or exercised by such Commissioners jointly, and all Acts in relation to the Management or Direction, Duties or Powers, assigned as aforesaid to each of such Commissioners, may be done by the Commissioner to whom the same is or are assigned, and shall be as valid and effectual as if done by both such Commissioners; and neither of such Commissioners shall be responsible in respect of the Acts done by the other of them alone under this Provision, but each shall be responsible for his own Acts; and no Person, or Body Politic, Corporate, or Collegiate, claiming under any Deed or Instrument made or purporting to be made by One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Authority of this Act, and duly enrolled, shall be bound to inquire whether such Commissioner was authorized by any such Order as aforesaid or otherwise to make the same, but every Deed or Instrument which purports to be made by One of such Commissioners under the Authority of this Act shall, after the same has been duly enrolled, be good, valid, and effectual as against Her Majesty, Her

Her Heirs and Successors, for the Purposes for which the same has been executed.

Deeds to be enrolled.

VI. So much of the firstly-recited Act of the Second and Third Years of King *William* the Fourth, or of any other Act of Parliament, as provides that in Cases of Sales of the Possessions and Land Revenues of the Crown, where the Purchase Money shall not amount to the Sum of One hundred Pounds, it shall not be necessary to enrol the Conveyances by which such Sales shall be carried into effect, shall be repealed; and all Deeds or Instruments whereby any Estates, Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments, in *England* or *Wales*, shall be hereafter purchased, sold, leased, charged, or exchanged, under the Authority of this Act, or of any Act now in force relating to the Possessions and Land Revenues of the Crown, shall, without reference to the Amount of the Purchase Money or other Consideration for the same, be enrolled in the Office of Land Revenue Records or Enrolments within the same Time and subject to the same Regulations and Provisions in all respects as by the said Acts or any of them is required or provided with respect to such Deeds or Instruments in Cases where the Purchase Money or other Consideration for the same amounts to or exceeds the Sum of One hundred Pounds: Provided nevertheless, that in all or any Cases in which the Purchase Money or other Consideration shall not amount in Value to the Sum of One hundred Pounds it shall be lawful for the Commissioners of Her Majesty's Treasury to direct by whom the Fees payable for the Enrolment of any such Deeds or Instruments as aforesaid shall be paid; and in all Cases in which the Purchase or other Consideration shall not amount in Value to the Sum of One hundred Pounds, the Deposit in the said Office, and the filing by the Keeper of the Records and Enrolments, of a Duplicate of the Deed or Instrument (either wholly written, or partly written and partly printed;) shall be deemed a sufficient and complete Enrolment.

Officers in Office of Woods, &c. to continue.

VII. Subject to the Powers herein given to the Commissioners of Her Majesty's Treasury in relation to such Officers, the Officers who at the Commencement of this Act are in the Department or under the Control and Direction of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be in the Department or under the Control and Direction of and shall be removable by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and all Officers hereafter to be appointed for such Department shall be appointed by the Commissioners of Her Majesty's Treasury, and may be removed by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

As to Appointment and Removal of Officers in future.

Treasury may abolish any Offices in the Department of Woods, &c.

VIII. Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time to abolish or reduce any Office or Offices in the Department or under the Control and Direction of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, or any Office or Offices connected with the Management of the Possessions and Land Revenues of the Crown, or the Collection and Receipt of the Income thereof, which to the said Commissioners of Her Majesty's Treasury may appear useless, and to make such Compensation as they may deem reasonable to the Holders of any Offices to be abolished or reduced, or to make any Arrangement in relation to any Office, or the Performance of the Duties thereof, which may appear to them expedient, reference being always had in respect to the Grant of such Compensation to the Provisions and Enactments of the Act 4 & 5 *William* 4th, Cap. 24., in so far as relates to the Rates of Grants and Periods of Service.

Monies in Banks, and Stock, to be transferred to new Commissioners of Woods, &c.

IX. Except as otherwise provided by this Act, and subject to the Powers vested in the Commissioners of Her Majesty's Treasury under this Act, all Monies which at the Time of the Commencement of this Act shall be in the Bank of *England*, in the Bank of *Ireland*, in the Royal Bank of *Scotland*, or in any other Bank, placed to the Credit of any Account or Accounts under the Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall forthwith be transferred, and the Governors and Managers of such Banks respectively are hereby authorized and required to transfer the same Monies respectively, to the Credit of a like Account under the Control of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and all Government Annuities, Stocks, Funds, and Securities which at the Time aforesaid shall be standing in the Books of the Governor and Company of the Bank of *England*, in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall forthwith be transferred, and the Governor and Company of the Bank of *England* are hereby required and authorized to transfer the same, into the Names of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

Commissioners of Woods, &c. not to sit in the House of Commons.

X. And whereas by the said Act of the Second and Third Years of King *William* the Fourth it is enacted, that any One of the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and no more, shall be capable of sitting and voting as a Member of the House of Commons:

The

The said recited Enactment shall be repealed; and neither of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being under this Act shall be capable of being elected or of sitting or voting as a Member of the House of Commons.

Power to place Woods, &c. under the Management of a Surveyor General.

XI. It shall be lawful for Her Majesty at any Time hereafter, by and with the Advice of Her Privy Council, in case Her Majesty so think fit, to order that Her Majesty's Woods, Forests, and Land Revenues shall be under the Management of a Surveyor General, as herein provided.

Power to appoint Surveyor General.

XII. It shall be lawful for Her Majesty, from Time to Time, after the making of such Order, by Warrant under Her Royal Sign Manual, to appoint a Person to be during Her Majesty's Pleasure "The Surveyor General of Her Majesty's Woods, Forests, and Land Revenues;" and there shall be paid to such Surveyor General for the Time being such Salary not exceeding One thousand five hundred Pounds *per Annum*, as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury.

Surveyor General to have all the Duties and Powers of the Commissioners of Woods, &c.

XIII. From and after the First Appointment of the Surveyor General of Her Majesty's Woods, Forests, and Land Revenues as aforesaid, the Appointment of Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall cease; and all Duties, Powers, Rights, Privileges, Hereditaments, Properties, and Exemptions whatsoever which if such Appointment of a Surveyor General had not been made would or might have been performed, exercised, or enjoyed by or vested in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, shall be performed, exercised, and enjoyed by and vested in the said Surveyor General for the Time being; and all Acts of Parliament, Deeds, Bonds, Contracts, Agreements, and other Instruments in which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues are named or mentioned, or which under the Provisions of this Act are applicable to such Commissioners, shall apply to such Surveyor General for the Time being, in like Manner as they would have been applicable to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, and in the Stead of such Commissioners.

A professional Land Surveyor may be appointed as an Itinerant Surveyor.

XIV. It shall be lawful for the Commissioners of Her Majesty's Treasury, after the Appointment of such Surveyor General as aforesaid, to appoint a Person, being by Education and Profession a Land Surveyor, to be an Itinerant Surveyor of the Possessions and Land Revenues of the Crown, and to assign to such Itinerant Surveyor such Duties and Powers, to be exercised under the Control and Direction

Direction of the Surveyor General, in relation to the Management of the said Possessions and Land Revenues, as such Commissioners may think fit; and such Salary shall be paid to such Itinerant Surveyor as may be from Time to Time appointed by the said Commissioners, and he shall be removable from such Office by the said Commissioners if they see fit.

Appointment of ex-officio Commissioners of Works and Public Buildings.

XV. Her Majesty's Principal Secretaries of State for the Time being, and the President and Vice President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall by virtue of their respective Offices be Commissioners of Her Majesty's Works and Public Buildings in conjunction with the Person who for the Time being shall be First Commissioner of Her Majesty's Works and Public Buildings under this Act, and shall with such Person be styled "The Commissioners of Her Majesty's Works and Public Buildings."

Appointment of Architects, Surveyors, &c.

XVI. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to appoint or employ such Architects, Surveyors, and other Officers of a similar Character, as the said Commissioners of Her Majesty's Works and Public Buildings may deem necessary; and it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint a Secretary, and such Clerks, Messengers, and Officers (except such Officers as aforesaid) as they may deem necessary for the Business of the said Department; and the Officers for the Time being of the said Department, or any of them, may be removed by the Commissioners of Her Majesty's Public Works and Buildings.

Salaries.

XVII. There shall be paid to the First Commissioner of "Her Majesty's Works and Public Buildings" such Salary, not exceeding Two thousand Pounds *per Annum*, and to the said Secretary, Clerks, Messengers, and Officers such Salaries as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury; but no Commissioner of Her Majesty's Works and Public Buildings, other than such First Commissioner, shall have any Salary for acting in the Execution of this Act.

Treasury may transfer the Officers from the Office of Woods, &c. to the Office of the Com-

XVIII. Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that all or any of the Surveyors, Clerks, or Officers employed at the Commencement of this Act by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, wholly or in part, in relation to the Duties to be performed by the Commissioners of Her

Her Majesty's Works and Public Buildings, be transferred to and employed by such last-mentioned Commissioners: Provided also, that such Transfer, or the Employment or Appointment to Office under the Commissioners of Her Majesty's Works and Public Buildings, of any Person now employed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be deemed to be a continuing Employment, and shall not prejudice any Claims which such Person might have been held to possess in respect of Continuity or Length of public Service if no such Transfer or Appointment had been made.

missioners of Works, &c.

XIX. The Salaries of the Surveyors, Clerks, and Officers transferred as aforesaid, and all Charges in relation thereto, shall cease to be chargeable on the annual Income of the Possessions and Land Revenues of the Crown, and shall be paid as herein provided concerning the other Expenses of the Commissioners of Her Majesty's Works and Public Buildings.

Salaries of Offices transferred.

XX. The First Commissioner of Her Majesty's Works and Public Buildings for the Time being shall be capable of being elected and of sitting and voting as a Member of the House of Commons; and no Person who shall first be appointed or become such First Commissioner upon the Commencement of this Act, and shall be at the Time of such Commencement First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, having at the Time of such Appointment a Seat in the Commons House of Parliament, shall, by reason of such Appointment, thereby vacate his Seat in Parliament.

First Commissioner of Works may sit in the House of Commons.

XXI. After the Commencement of this Act all the Duties and Powers which would have been performed and exercised by the Surveyor General of Her Majesty's Works and Public Buildings if the said Act of the said Second and Third Years of King *William* the Fourth had not been passed, and the Exemptions and Privileges which would have been enjoyed by the said Surveyor General if such Act had not been passed, so far as such Duties and Powers, Exemptions and Privileges, are not inconsistent with the Enactments of this Act, shall be performed, exercised, and enjoyed by such Commissioners of Her Majesty's Works and Public Buildings for the Time being; and all Acts of Parliament, Deeds, and other Instruments, in which the Surveyor General of Works and Public Buildings is mentioned, so far as the said Deeds and Instruments are now in force, and so far as the Enactments of the said Acts are not inconsistent with the Enactments of this Act, shall apply to the Commissioners of Her Majesty's Works and Public Buildings for the

Commissioners of Works, &c. to perform the Duties formerly performed by Surveyor General.

Time being, as if such Commissioners of Her Majesty's Works and Public Buildings had been originally named or mentioned in such Acts of Parliament, or named or mentioned in or made Parties to such Deeds and Instruments respectively, instead of such Surveyor General.

Duties of Commissioners of Woods, &c. in relation to Royal Parks, &c., and under the Acts in Schedule, vested in Commissioners of Works.

XXII. The Commissioners of Her Majesty's Works and Public Buildings for the Time being shall perform and exercise the Duties and Powers of Management and all other Duties and Powers which if this Act had not been passed would have been performed and exercised by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of and in relation to the Royal Parks, Gardens, and Possessions herein-after mentioned; (that is to say,)

Saint James's, Hyde, and Green } Parks,
Kensington Gardens,
Chelsea Gardens,
The Treasury Garden,
Parliament Square Garden,
Regent's Park,
Primrose Hill,
Victoria Park,
Battersea Park,
Greenwich Park,
Kew Gardens, Pleasure Grounds, and Green,
Kew and Richmond Roads,
Hampton Court Gardens, Green, and Road,
Hampton Court Park,
Richmond Park and Green,
Bushy Park,
The Phœnix Park, and
Holyrood Park;

And the Commissioners or First Commissioner of Her Majesty's Works and Public Buildings for the Time being shall also perform and exercise all the Duties and Powers under the several Acts mentioned in the Schedule to this Act which would have been performed and exercised by the Commissioners or First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings if this Act had not been passed, except as herein-after provided; and all such Acts shall, except as herein-after provided, be construed to apply to the Commissioners or First Commissioner of Her Majesty's Works and Public Buildings for the Time being, as if such Commissioners or First Commissioner had been originally named or mentioned therein instead of the Commissioners

sioners or First Commissioner of Woods, Forests, and Land Revenues, or of Woods, Forests, Land Revenues, Works, and Buildings (as the Case may be); and every such Act whereby the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings have been constituted a Corporation for the Purposes of such Act shall after the Commencement of this Act be read and construed as if the Commissioners of Her Majesty's Works and Public Buildings had been thereby incorporated by the Name of "The Commissioners of Her Majesty's Works and Public Buildings," and the perpetual Succession, Use of Common Seal, and other Rights and Privileges and Powers whatsoever, thereby given to or vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be deemed and construed to have been thereby given to and vested in the Commissioners of Her Majesty's Works and Public Buildings.

Powers as to Parts of the Parks preserved to Commissioners of Woods &c. under this Act.

XXIII. Provided always, That all such Houses, Gardens, and Portions of Ground within any of the Royal Parks herein-before mentioned as are now leased or agreed to be leased shall be under the Management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and all the Powers of leasing such Parts of *Victoria Park* and *Regent's Park* respectively as if this Act had not been passed might from Time to Time be leased by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all Powers in relation to the Parts so to be leased which would have been vested in or might have been exercised by such last-mentioned Commissioners, shall be vested in and may be exercised by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

Certain ex-officio Commissionerships vested in First Commissioner of Works.

XXIV. After the Commencement of this Act the First Commissioner of Her Majesty's Works and Public Buildings for the Time being shall come in the Place and be the Successor of the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as an Inclosure Commissioner for *England* and *Wales*, a Commissioner of *Greenwich Hospital*, a Commissioner for carrying into execution the Acts relating to Highland Roads and Bridges, One of Her Majesty's Commissioners for building new Churches, and a Member and the President of the General Board of Health.

Salaries and Expenses of the Department of Works, &c. to be provided for by Parliament.

XXV. The Salaries of the First Commissioner of Her Majesty's Works and Public Buildings, and the Salaries, Superannuations, and Retired Allowances of the Officers in the Department of the Commissioners of Her Majesty's Works and Public Buildings, and the incidental Expenses of such Department, and all the Expenses to be incurred

incurred by the Commissioners of Public Works, or any of them, in the Performance and Exercise of the Duties and Powers vested in such Commissioners under this Act, save such Expenses as shall be defrayed out of Monies provided by or under the Acts mentioned in the Schedule to this Act, or out of Monies to be transferred to the Credit of or to be payable to or applicable by such Commissioners under the Provisions herein-after contained, shall be defrayed out of such Monies as shall be from Time to Time provided by Parliament; provided always, that the Profits of the Herbage, and like Profits during the natural Life of Her Majesty of the Parks Gardens, and Possessions placed under the Management of such Commissioners by this Act, after Payment thereout of any Tithe Rentcharges or other like Charges for the Time being issuing out of or charged on such Parks, Gardens, and Possessions, shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Two Commissioners or First Commissioner of Works may act.

XXVI. Anything by this Act authorized to be done by the Commissioners of Her Majesty's Works and Public Buildings, and anything which by any future Act may be authorized to be done by such Commissioners, unless express Provision to the contrary be made by such future Act, may be done by any Two of such Commissioners or by the First Commissioner of Her Majesty's Works and Public Buildings.

Property vested in Commissioners of Woods, &c. under Acts in Schedule to vest in Commissioners of Works, &c.

XXVII. All the Lands, Tenements, Hereditaments, and Property whatsoever which at the Commencement of this Act shall be vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in a corporate Capacity or otherwise, and whether so vested in such Commissioners alone or jointly with others, under or for the Purposes of any of the Acts mentioned in the Schedule to this Act, shall upon the Commencement of this Act be vested in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors, in the like corporate Capacity or otherwise, as the Case may require, alone or jointly as aforesaid, for the Estate or Interest and Purposes and subject to the Rights and Equities for and subject to which the same respectively were vested in the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings.

Monies in Banks, and Stock, to be transferred to Commissioners of Works, &c.

XXVIII. Subject to the Powers vested in the Commissioners of Her Majesty's Treasury under this Act, all Monies which at the Time of the Commencement of this Act shall be in the Bank of *England*, in the Bank of *Ireland*, in the Royal Bank of *Scotland*, or in any other Bank, placed to the Credit of any Account or Accounts under the Control of the Commissioners of Her Majesty's Woods, Forests,

Forests, and Land Revenues, Works, and Buildings, under or for the Purposes of any of the Acts mentioned in the Schedule to this Act, or for the Purposes of any Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, shall forthwith after the Commencement of this Act be transferred, and the Governors and Managers of such Banks respectively are hereby authorized and required to transfer the same Monies respectively, to the Credit of a like Account under the Control of the Commissioners of Her Majesty's Works and Public Buildings, and all Monies which would have been payable to or applicable by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or for the Purposes of any of such last-mentioned Acts, or for the Purposes of any of the Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, shall be payable to and applicable by such last-mentioned Commissioners; and all Government Annuities, Stocks, Funds, and Securities which at the Time of the Commencement of this Act shall be standing in the Books of the Governor and Company of the Bank of *England*, in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or for the Purposes of any of the Acts mentioned in the Schedule to this Act, shall forthwith after the Commencement of this Act be transferred, and the Governor and Company of the Bank of *England* are hereby required and authorized to transfer the same, to Accounts to be opened in the Name of the Commissioners of Her Majesty's Works and Public Buildings for the like Purposes; and the Order of the Commissioners of Her Majesty's Treasury for the Transfer to the Credit or into the Names of the Commissioners of Her Majesty's Works and Public Buildings of any Monies, Annuities, Stocks, Funds, or Securities mentioned in such Order, standing to the Credit or in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be a sufficient Authority for such Transfer.

Matters done or commenced by former Commissioners not to be prejudiced.

XXIX. Provided always, That nothing herein contained shall annul or prejudice any Sale, Purchase, Exchange, Contract, Mortgage, Security, Charge, or other Act, Matter, or Thing which shall have been made, done, created, entered into, or commenced by, or any Action, Suit, or Proceeding whatsoever which shall have been commenced or instituted by or against the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, for the Purpose of prosecuting or defending and carrying on all Actions, Suits, or Proceedings which shall be pending at the Time of the Commencement of this Act, (and that without

Suits pending to be carried on in the Name of the new Commissioners of Woods.

without the Necessity of substituting the Names of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues in lieu of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and whether such Actions, Suits, or Proceedings be or be not in relation to Duties or Powers which are to remain within their Cognizance, or may have been commenced or instituted under the Acts mentioned in the Schedule to this Act, or otherwise,) shall come into the Place of and be deemed to be the Successors of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Expenses incurred by new Commissioners of Woods in completing Proceedings relating to Duties of Commissioners of Works to be Expenses of such last-mentioned Commissioners.

XXX. Provided also, That where any Action, Suit, or Proceeding instituted or commenced before the Commencement of this Act, by or against the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in respect of any Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, shall be then pending, and shall be prosecuted, defended, or carried on, by or in the Name of the Attorney General or of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being under this Act, all the Expenses incident to such Actions, Suits, and Proceedings, after the Commencement of this Act, shall be deemed Expenses of the Commissioners of Her Majesty's Works and Public Buildings, unless the Commissioners of Her Majesty's Treasury for the Time being shall otherwise direct.

Transfer of Contracts in respect of Works.

XXXI. Where any Contract has been entered into by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in respect of any Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, and such Contract has not been fully performed and completed before the Commencement of this Act, the same may be enforced and shall be performed and completed in like Manner as if the Commissioners of Her Majesty's Works and Public Buildings had been named therein or made Parties thereto instead of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and where any Contract has been entered into as aforesaid, as well in respect of other Duties or Matters as in respect of Duties and Powers vested in the said Commissioners of Her Majesty's Works and Public Buildings under this Act, or where it appears to the Commissioners of Her Majesty's Treasury that Doubts may arise whether the Rights and Obligations upon and under any Contract which has been entered into by the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings are or are not transferred to the Commissioners

sioners of Her Majesty's Works and Public Buildings, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that such Contract may be enforced and shall be performed and completed by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or by the Commissioners of Her Majesty's Works and Public Buildings, as the Commissioners of Her Majesty's Treasury may see fit; and the Commissioners of Her Majesty's Treasury may direct by which Department the Expenses to be incurred in relation to such Contract shall be borne, and may apportion any such Expenses between the respective Departments; and the Benefit and Obligation of such Contract shall be deemed to be vested in Her Majesty or the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or the Commissioners of Her Majesty's Works and Public Buildings, (as the Case may be,) according to such Direction, as if the Commissioners by whom the same is directed to be enforced, performed, and completed had been named therein or made Parties thereto instead of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings: Provided that nothing in this Act contained shall extend or be taken to prejudice or affect the Prerogative or Rights of Her Majesty, or the Right, Power, or Duty of Her Majesty's Attorney General, to sue or defend, or other Rights, Powers, or Duties of such Attorney General in regard to any Contract, or any Action, Suit, or Proceeding, whether such Contract, or such Action, Suit, or Proceeding, shall affect or concern the Department of Her Majesty's Woods, Forests, and Land Revenues, or the Department of the Commissioners of Her Majesty's Works and Public Buildings.

Commissioners of Works and Commissioners of Woods, &c. to observe the Directions of the Treasury.

XXXII. The Commissioners of Her Majesty's Works and Public Buildings and Commissioners of Her Majesty's Woods, Forests, and Land Revenues respectively shall for the Time being observe, perform, fulfil, and keep all and singular the Orders, Instructions, and Directions, not inconsistent with the Acts for the Time being in force in relation to their respective Offices, which from Time to Time shall be made or given to them by the Commissioners of Her Majesty's Treasury for the Time being, touching or concerning the Execution and Discharge of the Duties of such Offices, and for the effectual Division, Distribution, and Arrangement of the Duties and Powers which are to be performed and exercised by such Commissioners of Her Majesty's Works and Public Buildings and of Woods, Forests, and Land Revenues respectively.

Regulations at present applicable to Commissioners of Woods, &c.

XXXIII. All Instructions, Orders, and Directions which, in pursuance of and conformably to the Directions of any Act or Acts of Parliament, the Commissioners of Her Majesty's Treasury have here-

to be observed by the Commissioners of Works, &c. and the Commissioners of Woods, &c.

heretofore prepared, and transmitted to the Surveyor General, for the Conduct of the Business of the Office of Works, or for the Regulation or Control of the Expenditure thereof in any of its Branches or Departments, or concerning the Duties of the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be binding upon, observed, and kept by the Commissioners of Her Majesty's Works and Public Buildings, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues respectively, in relation to their respective Departments, in like Manner as the same Instructions, Orders, and Directions respectively are now binding upon and are or ought to be observed and performed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, until such Instructions, Orders, and Directions respectively shall be revoked or varied under the Power herein contained.

Power to the Treasury to transfer Duties vested in Commissioners of Woods, &c. under Local or Personal Acts to Commissioners of Works, &c.

XXXIV. In case it appear to the Commissioners of Her Majesty's Treasury for the Time being that it is expedient that any Duties or Powers which under the Provisions of any Local or Personal Act are vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and are under the Provisions of this Act transferred to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, should be transferred to the Commissioners of Her Majesty's Works and Public Buildings, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Order under their Hands, to transfer such Duties or Powers accordingly; and from and after the Time in such Order mentioned, and subject to the Provisions of such Order, such Duties or Powers shall be vested in the Commissioners of Her Majesty's Works and Public Buildings: Provided always, that no such Order shall be made for the Transfer as aforesaid of any Duties or Powers vested under this Act in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues without Her Majesty's Warrant under Her Royal Sign Manual for that Purpose obtained.

Proviso.

Powers of the Treasury under 11 & 12 Vict. c. 102. to regulate the Accounts of the present Commissioners of Woods, &c. to be applied to the

XXXV. All the Powers and Authorities which under an Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and two, mentioned in the Schedule to this Act, are vested in the Commissioners of Her Majesty's Treasury, for making from Time to Time Rules and Regulations and General and Special Orders with respect to the Receipt and Payment of Monies by or on behalf of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Persons to be employed in conducting such Receipts and Payments, and the Manner,

ner, Form, and Place in which the Accounts of such Receipts and Payments shall be kept, and with respect to the Payment and Transfer of Monies from and into any general or special, particular or separate Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with respect to the Form in which such Cheques or Orders for the Payment of Monies placed to any Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be drawn, and with respect to the Appointment of Persons to draw such Cheques or Orders in the Names of such Commissioners, and to countersign such Cheques, shall extend and be applicable and be exercised concerning the like Matters in relation to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues and the Commissioners of Her Majesty's Works and Public Buildings respectively under this Act, in the same Manner as if the Provisions of the said Act of the Eleventh and Twelfth Years of Her Majesty, concerning such Powers and Authorities, were repeated and re-enacted in this Act, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues and the Commissioners of Her Majesty's Works and Public Buildings respectively were in every Case substituted for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Accounts of the Commissioners under this Act.

XXXVI. The Commissioners of Her Majesty's Treasury shall also have Power to make from Time to Time such further or other Rules and Regulations as they may deem necessary, in relation to the Collection and Receipt of such Land Revenues, and to the Payments thereout to Her Majesty's Exchequer or otherwise, and to appoint such Officer or Officers as shall be required for that Purpose, and for keeping the Accounts of the said Revenues, and for rendering such Accounts by such Officer or Officers to the Commissioners for auditing the Public Accounts, for the Audit of the said Commissioners under the Powers vested in them by Law.

Treasury to make Rules for Collection and Receipt of Land Revenues.

XXXVII. The Commissioners of Woods, Forests, and Land Revenues shall prepare and transmit to the Commissioners for auditing the Public Accounts, on or before the Thirtieth Day of *November* in each Year, Abstract Accounts, classed under distinctive Headings, of the Receipt and Expenditure of the Capital and of the Income, derived from the Possessions and Land Revenues of the Crown, and of any other Funds under their Control and Management, in the Year ended the Thirty-first Day of *March* preceding; and the Commissioners for auditing the Public Accounts shall examine the said Accounts, and certify their Conformity or otherwise with the Provisions of the Acts of Parliament by which the Receipt and Expenditure

Abstract Accounts of Receipt and Expenditure of Capital and Income of Land Revenues to be transmitted to Commissioners for auditing Public Accounts.

diture of the Funds under the Control and Management of the Commissioners of Woods, Forests, and Land Revenues are regulated, with the like Powers, and under the like Authorities, Regulations, and Restrictions, as those which are in force with respect to the annual Accounts of the Sums granted and expended for Naval and Military Services under the Provisions of an Act passed in the Tenth Year of Her present Majesty Victoria, intituled *An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments:* Provided always, that nothing herein contained shall be construed to supersede or in any Manner affect the detailed Examination and Audit of the Accounts of the Commissioners of Woods, Forests, and Land Revenues, or of those of the Commissioners of Her Majesty's Works and Public Buildings, established by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for auditing the Accounts of the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings,* or of the Regulations under which such Accounts are rendered.

9 & 10 Vict. c. 92.

7 & 8 Vict. c. 89.

Abstract Accounts of Receipt and Expenditure of Monies granted or acquired to be transmitted to Commissioners for auditing Public Accounts.

XXXVIII. The Commissioners of Her Majesty's Works and Public Buildings shall in like Manner prepare and transmit to the Commissioners for auditing the Public Accounts, on or before the Thirtieth Day of *November* in each Year, Abstract Accounts, classed under distinctive Headings, of the Receipt and Expenditure of the Monies granted or otherwise received and appropriated in the Department under their Control and Management, in the Year ended the Thirty-first Day of *March* preceding; and the Commissioners for auditing the Public Accounts shall examine and certify the same, in like Manner as those of the Commissioners of Woods, Forests, and Land Revenues aforesaid.

Commissioners for auditing Public Accounts to transmit Copies of the Abstract Accounts relating to Land Revenues to the Treasury.

XXXIX. The Commissioners for auditing the Public Accounts shall transmit Copies of the said Accounts of the Commissioners of Woods, Forests, and Land Revenues, and of the Commissioners of Her Majesty's Works and Public Buildings, examined and certified as herein provided, together with their Reports thereon, on or before the Thirty-first Day of *January* following the Thirtieth Day of *November* aforesaid, to the Commissioners of the Treasury, who shall lay the same before the House of Commons on or before the Thirty-first Day of *March* following, if Parliament be then sitting, and if not then within One Fortnight after Parliament shall be next assembled.

Saving of Rights

XL. Nothing herein contained shall extend or be construed to extend to abridge or interfere with any Rights of Her Majesty, or

or of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or the Chancellor of the Exchequer for the Time being, or any Grantee of the Crown, in respect of any Appointment usually made by Her Majesty, or the said Lord High Treasurer or Commissioners, or the Chancellor of the Exchequer, or such Grantee, or with the Right of Appointment of Master Keepers, Under Keepers, or other Officers of or in any Royal Forest, so long as such last-mentioned Right shall be vested in any Warden or Ranger of any such Forest, or with any Privileges or Advantages which may be rightfully enjoyed or claimed under any Letters Patent granted by Her Majesty or Her Predecessors of any Office, Bailiwick, Walk, or Lodge within any of the Royal Forests to which this Act relates.

Commencement of Act.

XLI. This Act shall commence and take effect on the Tenth Day of *October* One thousand eight hundred and fifty-one, except as regards the Payment of the Salaries and Charges in relation thereto, in which respect this Act shall take effect from and after the Thirty-first Day of *March* One thousand eight hundred and fifty-two.

The

The SCHEDULE.

4 G. 4. c. 74. (Holyhead Roads.) An Act for vesting in Commissioners the Bridges now building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead.

9 G. 4. c. 25. (Holyhead Roads.) An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool.

3 & 4 W. 4. c. 43. (Holyhead Roads.) An Act for transferring to the Commissioners of His Majesty's Woods and Forests the several Powers now vested in the Holyhead Road Commissioners, and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours, and Bridges now under their Care and Management.

4 & 5 W. 4. c. 66. (Menai and Conway Bridges.) An Act for empowering the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay the net Proceeds of the Tolls of the Menai and Conway Bridges into the Receipt of His Majesty's Exchequer at Westminster, to the Account of the Consolidated Fund.

5 & 6 W. 4. c. 21. (Shrewsbury and Holyhead Roads.) An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King George the Third, for vesting in Commissioners the Line of Road from Shrewsbury in the County of Salop to Bangor Ferry in the County of Carnarvon, and for discharging the Trustees under the several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty from the future Repair and Maintenance thereof, and for repealing so much of the said Acts as affects the said Line of Road.

6 & 7 W. 4. c. 35. (Holyhead Roads.) An Act for further improving the Road between London and Holyhead, by Coventry, Birmingham, and Shrewsbury.

2 & 3 Vict. c. 80. (Metropolis Improvements.) An Act to empower the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional Thoroughfares in the Metropolis.

3 & 4 Vict. c. 12. (Metropolis Improvements.) An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry Street, Piccadilly, to Long Acre, and for other Improvements in the Metropolis.

3 & 4 Vict. c. 87. (Metropolis Improvements.) An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis.

3 & 4 Vict. c. 104. (Holyhead Roads.) An Act to transfer to the Commissioners of Her Majesty's Woods and Works the several Powers now vested in the Commissioners for repairing the Line of Road from Shrewsbury in the County of Salop to Bangor Ferry in the County of Carnarvon; and to amend the

London

London and Holyhead Road Acts, so far as relates to the Dunstable Road.

An Act to enable Her Majesty's Commissioners of Woods to make a new Road from Coventry Street, Piccadilly, to Long Acre, and for other Improvements in the Metropolis. — 4 & 5 Vict. c. 12. (Metropolis Improvement.)

An Act for regulating the Priorities of Monies authorized to be charged on a Fund called "The London Bridge Approaches Fund." — 5 & 6 Vict. c. 64. (Metropolis Improvements.)

An Act to provide for the Care and Preservation of Trafalgar Square in the City of Westminster. — 7 & 8 Vict. c. 60. (Trafalgar Square.)

An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood. — 7 & 8 Vict. c. 84. (Metropolitan Buildings Act.)

An Act for amending the Acts relating to the Street leading to Clerkenwell Green; and for extending such Street, and making new Streets out of the same. — 8 & 9 Vict. c. 17. (Metropolis Improvements, Clerkenwell.)

An Act to facilitate the Completion of a Geological Survey of Great Britain and Ireland, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works. — 8 & 9 Vict. c. 63. (Geological Survey.)

An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the Shrewsbury and Holyhead Roads. — 8 & 9 Vict. c. 73. (Holyhead Roads.)

An Act to continue until the Fifth Day of July One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in London and Westminster, and in certain Parts of the adjacent Counties, and to alter and amend the said Acts. — 8 & 9 Vict. c. 101. (Penny Coal Duties.)

An Act for improving Parts of the City of Westminster. — 8 & 9 Vict. c. 178. (Westminster Improvements.)

An Act to amend an Act for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood. — 9 & 10 Vict. c. 5. (Metropolitan Buildings Act.)

An Act to enable the Commissioners of Her Majesty's Woods to construct a new Street from Spitalfields to Shoreditch. — 9 & 10 Vict. c. 34. (Spitalfields Improvements.)

An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields in the County of Surrey. — 9 & 10 Vict. c. 38. (Battersea Park.)

An Act to enable the Commissioners of Her Majesty's Woods to construct an Embankment and Roadway on the North Shore of the River Thames from Battersea Bridge to Vauxhall Bridge, and to build a Suspension Bridge over the said River at or near Chelsea Hospital, with suitable Approaches thereto, including a Street from Lower Sloane Street to the Northern Extremity of the Bridge. — 9 & 10 Vict. c. 39. (Battersea Bridge and Chelsea Improvements.)

An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts. — 9 & 10 Vict. c. 106. (Preliminary Inquiries.)

An Act to empower the Commissioners of Her Majesty's Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the Isle of Portland in the County of Dorset. — 10 & 11 Vict. c. 24. (Portland Harbour.)

10 & 11 Vict. c. 76. (Holyhead Harbour.) An Act to empower the Commissioners of Her Majesty's Woods to purchase Lands for the Purpose of a Harbour of Refuge at or near Holyhead in the County of Anglesea.

10 & 11 Vict. c. 210. (Westminster Improvements.) An Act to amend and enlarge the Powers and Provisions of the Westminster Improvement Act, 1845, and to authorize the Application of certain Rates in aid of the Improvements.

11 & 12 Vict. c. 53. (Windsor.) An Act to empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of Windsor.

11 & 12 Vict. c. 102. (Battersea Park.) An Act to enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields, to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements, and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods.

11 & 12 Vict. c. 124. (London Bridge Approaches Fund.) An Act to amend an Act of the last Session for varying the Priorities of the Charges made on "The London Bridge Approaches Fund," and to facilitate the Completion of certain Improvements in the City of Westminster.

11 & 12 Vict. c. 129. (Preliminary Inquiries.) An Act for amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts.

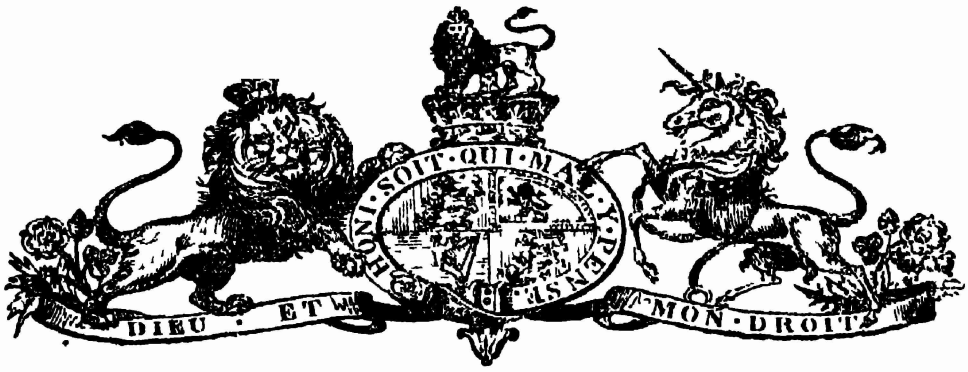
13 & 14 Vict. c. 103. (Metropolis Improvements.) An Act to authorize further Charges on "The London Bridge Approaches Fund," for the Completion of certain Improvements in the Metropolis.

13 & 14 Vict. c. 109. (Metropolis Improvements.) An Act to enlarge and extend the Powers of an Act of the Ninth and Tenth Years of Her present Majesty, intituled "An Act to "enable the Commissioners of Her Majesty's Woods to construct a "new Street from Spitalfields to Shoreditch."

13 & 14 Vict. c. 116. (Portland Harbour.) An Act to amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater, in the Isle of Portland, and to make further Provision for the Division and Application of the Purchase Money.

13 & 14 Vict. c. 102. (Loc. and Per.) (Westminster Improvements.) An Act for amending and enlarging the Powers and Provisions of "The Westminster Improvement Act, 1845," and "The Westminster "Improvement Act, 1847," to extend the Time for the compulsory Purchase of Lands, and for other Purposes.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

every poor Widow in those Parts of the Parishes of *Barking* and *Dagenham* which lie within the said Forest of *Hainault* who does not receive Parochial Relief, and whose Husband has been dead a Year, has been usually allowed to have One Load of Wood yearly on *Easter Monday* from and out of the said *King's Forest* or *King's Woods*, or in lieu of it Eight Shillings in Money to those who cannot procure a Team to carry the Wood on that Day: And whereas Her Majesty has been graciously pleased to signify Her Consent that the said Forest of *Hainault* should be disafforested, and the Royal Deer therein removed or destroyed, with all convenient Speed, and that the Officers of Her Majesty of or for the said Forest should be discharged, and that such Allotment should be made to Her Majesty, in respect of Her Forestal Estate, Rights, and Interests in and over the said Forest of *Hainault*, in manner herein-after provided, and that such Compensation should be made to the Officers of the said Forest, and to the said poor Widows, as is also herein-after provided: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Power to appoint Three Commissioners to carry this Act into execution.

I. That the Provisions of this Act shall be carried into execution by Commissioners to be appointed as after mentioned; and the Commissioners for carrying this Act into execution shall be Three in Number, One of whom shall be appointed in Writing by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, One other of whom shall be appointed by the Two junior Inclosure Commissioners for *England* and *Wales* for the Time being, and the third of whom shall be appointed by the Two Commissioners so to be appointed as aforesaid; and that so often as any Vacancy shall occur by Death, Resignation, or Incapacity, a new Commissioner shall be appointed in like Manner as the Commissioner whose Vacancy is to be supplied was appointed; and that all such Commissioners, when appointed, and herein-after designated as "the Commissioners of this Act," shall be the Commissioners for carrying this Act into execution; and that all Acts and Powers to be performed by or given to the Commissioners of this Act under the Provisions herein contained may be performed or exercised by any Two of such Commissioners.

Power to Commissioners to appoint Clerk and employ Land Surveyor.

II. That it shall be lawful for the Commissioners of this Act from Time to Time to appoint a Clerk, and, if they shall think fit, to remove such Clerk, and on any Vacancy to appoint another Clerk, and also to

to employ a Land Surveyor and Valuer in such Manner as they shall think necessary.

Remuneration of Commissioners and Clerk.

III. That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, herein-after designated as "the Commissioners of Woods," with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall, out of the Land Revenues of the Crown, subject to Repayment as after mentioned, pay and allow to the Commissioners of this Act any Sum not exceeding the Sum of One thousand Pounds as shall be thought sufficient, and in proportion to the Time and Labour which may be bestowed by them respectively in carrying this Act into execution, such Proportion, in the event of any Difference of Opinion with regard thereto, to be conclusively determined by the Commissioners of Her Majesty's Treasury, and to the Clerk of the Commissioners of this Act such Salary not exceeding Two hundred Pounds a Year as shall be considered sufficient, and also to allow to the Commissioners of this Act, and Clerk, all Costs and Expenses of employing any such Land Surveyor and Valuer as aforesaid, and all other reasonable Expenses incurred by them in the Performance of their Duties under this Act.

Commissioners to ascertain Boundaries.

IV. That the Commissioners of this Act shall forthwith proceed to ascertain the Boundaries of the said Forest of *Hainault*, and also of that Portion of the said Forest called the *King's Forest* or *King's Woods*, and for that Purpose shall or may make use of any existing Maps, Plans, or Surveys, or cause to be made any new Maps, Plans, or Surveys, as they shall think fit.

Boundaries as ascertained to be held to be true.

V. That the said Boundaries as ascertained by the Commissioners of this Act shall be held to be the true Boundaries of the said Forest, and of the said *King's Forest* or *King's Woods*, for all the Purposes of this Act, as between Her Majesty and all Persons whose Estates or Rights therein are to be or shall be in anywise dealt with or affected under the Provisions of this Act, but not further or otherwise.

Power to Commissioners to allot a Part of the King's Woods as a Compensation for the Forestal and other Rights of the Crown.

VI. That the Commissioners of this Act, so soon as they shall have ascertained the aforesaid Boundaries, shall proceed to set out and allot to Her Majesty such Part or Parts of the said *King's Forest* or *King's Woods* as they shall think a sufficient Compensation to Her Majesty for all Her Forestal Rights in and over the said Forest of *Hainault*, for Her Rights of Soil in the said *King's Forest* or *King's Woods*

Woods and in other the uninclosed Portions of the said Forest of *Hainault* (if any), for Her Rights of Timber and other Trees, Bushes, and Underwoods in the said Woods or elsewhere in the said Forest; and that such Allotment or Allotments, when made, shall be vested in Her Majesty, Her Heirs and Successors, as Part and Parcel of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged from all Rights or Claims of Common of Pasture, Estovers, or Assignments of Fuel Wood, and all other Rights or Claims whatsoever; and that on the making of such Award the said Forest of *Hainault* shall be for ever disafforested; and the Residue of the said *King's Forest* or *King's Woods*, and all other Parts of the said Forest of *Hainault* (not now inclosed), shall become the Property of the Queen's Majesty and the several Persons entitled to Rights of Common in and over the said Forest or any Part thereof, as they are now entitled to the same, freed and discharged from all Right of Soil, Rights of Timber, and all Forestal Rights of Her Majesty, Her Heirs and Successors.

On the making of the Award the Forest of Hainault to be disafforested.

Commissioners of Woods, &c. to produce Evidence in support of the Rights of the Crown, to enable Commissioners of this Act to make the Award.

VII. That for the enabling the Commissioners of this Act to make the Award by this Act directed to be made the said Commissioners of Woods, on behalf of Her Majesty, shall produce to the Commissioners of this Act such Evidence in support of Her Majesty's aforesaid Rights or any of them as in the Opinion of the Commissioners of this Act shall be necessary to support the Claim to such Rights; and the Judgment of the Commissioners of this Act in the Premises shall be final: Provided nevertheless, that it shall be lawful for any Person or Persons who in the Opinion of the Commissioners of this Act shall be interested in the Premises to appear before the said Commissioners, and to adduce such Evidence as in the Opinion of the said Commissioners shall be admissible, for the Purpose of controverting any Statement or Evidence made or offered to the said Commissioners in support of the Claims or Rights of Her Majesty.

Commissioners to inquire and ascertain the Value of certain Rights of poor Widows, and report Amount to Commissioners of Woods, &c., who shall invest the same.

VIII. And with respect to the Customary Rights or alleged Customary Rights of every poor Widow in those Parts of the said Parishes of *Barking* and *Dagenham* aforesaid who does not receive Parochial Relief, and whose Husband has been dead a Year, to have One Load of Wood yearly on *Easter Monday* out of the said *King's Forest* or *King's Woods*, or in lieu of it Eight Shillings in Money to those who cannot procure a Team to carry the Wood on that Day, be it enacted, That the Commissioners of this Act shall inquire and ascertain what is the Money Value of such Right in respect of such poor Widows, and shall report the Amount to the Commissioners of Woods; and upon receiving

receiving such Report the said Commissioners of Woods shall forthwith, out of the Land Revenues of the Crown, advance and pay the Sums so found and reported as being the Amount of such Value as aforesaid, and shall invest the same in the Names of the Vicar and Churchwardens of the said Parish of *Dagenham* and of the Vicar and Churchwardens of the Parish of *Barking* respectively, or otherwise as shall be agreed on, in the Purchase of Three *per Cent.* Consolidated Bank Annuities, to be held by them for ever, in trust to pay and apply the Dividends thereof in the Purchase of Coals or other Fuel, to be by them distributed yearly at *Christmas* among the poor Widows of the aforesaid Parts of their respective Parishes not receiving Parochial Relief, and whose Husbands have been dead a Year, and shall cause a proper Declaration of Trust to be executed by the Trustees in whose Names the said Monies shall be invested, and a Memorial thereof enrolled with the Clerk of the Peace for the said County of *Essex*.

IX. That on the Investment of such Sums as aforesaid all the aforesaid Customary Rights or Claims of poor Widows shall absolutely cease.

On such Investment the Claims to cease.

X. That in setting out and making such Allotment to Her Majesty as aforesaid the Commissioners of this Act shall take into consideration the Amount of the Money Value of such Rights or Claims of the said poor Widows, and shall give to Her Majesty an Allotment on or from the said Woods as aforesaid which in their Opinion shall be an Equivalent for the Amount of such Monies so to be paid for such Rights and Claims as aforesaid: Provided nevertheless, that the Commissioners of this Act shall, if so required, by or on behalf of Her Majesty, Her Heirs or Successors, set out, distinguish, and apportion in their said Award a particular Part or Parts of the general Allotment to be made to Her Majesty as aforesaid which in their Opinion may be the Value of any One or more of the specific Rights of Her Majesty, and in respect of which the aforesaid Allotment may have been made, and such specific Apportionments of such general Allotment shall be taken to be the Allotments in respect of such specific Rights in respect of which they shall be ascertained and declared as aforesaid to have been made.

Commissioners to consider the Value of the Widows Claims, and to allot an Equivalent to the Crown.

Commissioners, if required, to apportion the Crown's Allotment in respect of each distinct Right.

XI. That the Commissioners of this Act shall make their Award in Writing within Two Years from the passing of this Act, and such Award shall be executed in Duplicate, and One Part thereof shall be deposited at the Office of Land Revenue Records and Enrolments, and the other Part thereof shall be deposited with the Clerk of the Peace

Award to be made in Two Years, and to be executed in Duplicate.

Peace for the said County of *Essex*, there to remain, and to be examined by all Persons, at all reasonable Times, on Payment of a Fee of One Shilling for each Examination.

Power to Commissioners of Woods, &c. to remove or destroy the Deer within the Forest.

When Deer removed, &c. Right to keep Deer to cease.

XII. That the said Commissioners of Woods or other the proper Officer or Officers of Her Majesty of and for the said Forest of *Hainault* shall with all convenient Speed, and within One Year from the passing of this Act, under the Direction of Her Majesty, Her Heirs or Successors, remove or destroy, or cause to be removed or destroyed, all the Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct; and that when such Deer shall have been so removed or destroyed the Right of Her Majesty to keep Deer and other Beasts of Forest in the said Forest of *Hainault* shall absolutely cease, and it shall be lawful for the Commissioners of Her Majesty's Woods to exercise all the same Powers over and in respect of the Lands to be allotted to Her Majesty as aforesaid as they are or at any Time hereafter shall be by Law enabled to exercise over and in respect of other Lands of Her Majesty in right of Her Crown, not being Royal Forests, Parks, or Chases.

The Crown to maintain Boundary Fences, and, if it appear convenient, to set out Roads, which shall become public Highways.

XIII. That Her Majesty, Her Heirs and Successors, shall make and at all Times hereafter maintain sufficient Boundary Fences round all the Parts so to be set out and allotted or awarded to and to become the Property of Her Majesty as aforesaid; and further, that in case in making the Allotment hereby directed it shall appear convenient to the Commissioners of this Act to set out any Roads over the Parts to be allotted to Her Majesty, for the Convenience of the Enjoyment of the remaining Parts of the said Forest of *Hainault*, it shall be lawful for the said Commissioners to set out such Roads accordingly, and the same shall be made by the said Commissioners of Woods, and shall when made become and be public Highways.

After Award is made, Forestal Offices to cease.

XIV. That, immediately after the Award of the Commissioners of this Act shall have been made, as herein-before directed, all and every Letters Patent, Grants, Appointments, and Warrants of any Offices, Bailiwicks, Walks, or Lodges in or for the said Forest of *Hainault*, and all Salaries, Gratuities, and Fees lawfully payable or allowed in respect of the same, shall thenceforth cease, end, and determine; and Compensation shall be made by the Commissioners of Her Majesty's Woods, out of the Land Revenues of the Crown, to the Lord Warden, in respect of his Wardenship of that Portion of the said Forest of *Waltham* called *Hainault Forest*, and to the several Officers of the said

said Forest of *Hainault* (whether holding Lodges and Land within the said Forest by virtue of their several Offices, or not), in consideration of the Cessation of their said several Offices, and on their relinquishing and giving up the Possession of the said Lodges and Land respectively, and all Claim and Interest therein or thereto under any Grant, Letters Patent, or Appointment or Warrant as aforesaid, which Compensation shall in every distinct and separate Case be referred to and ascertained by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall for that Purpose appoint on the Part of Her Majesty, and by such indifferent Person as shall be appointed on the Part of each and every Officer of the said Forest of *Hainault* interested or concerned in the Premises, and which said Commissioners of Her Majesty's Treasury, or other the Person or Persons so to be appointed as aforesaid, are hereby empowered to send for Persons and Papers, and to examine the Parties and Witnesses upon Oath, if necessary (which Oath any One of the said Commissioners of the Treasury, or the Person or Persons so to be appointed as aforesaid, is hereby authorized and empowered to administer); provided, that in case any Difference of Opinion shall arise on any Matter or Question touching or concerning such Compensation, then the said Referees shall from Time to Time forthwith appoint any proper and competent Person or Persons to act as an Umpire or Umpires concerning the Premises, to whom all and every such Differences shall be referred, and whose Judgment and Determination shall be binding to all Intents and Purposes whatsoever.

Expenses to be defrayed out of the Produce of Timber and Underwood standing on the Parts of the Forest not allotted to the Crown

XV. That all the Payments, Charges, and Expenses hereby directed to be defrayed out of the Land Revenues of the Crown shall be paid and discharged or replaced by and out of the Produce of the Timber and Underwood belonging to Her Majesty, now standing on such Part of the uninclosed Parts of the said Forest of *Hainault* as shall not be allotted to Her Majesty, and that for that Purpose it shall be lawful for the Commissioners of Woods, at any Time before or after the said Award, to enter on any Parts of the said Forest, and to cut down, carry away, sell, and dispose of so much of the said Timber and Underwood as shall be sufficient to pay such Costs, Charges, and Expenses.

Power to Sir Charles Hulse, as Lord of the Manor of Barking, to proceed to a Trial at Law,

XVI. And whereas Sir *Charles Hulse* Baronet makes claim, as Lord of the Manor of *Barking*, to the Soil of that Portion of the said Forest of *Hainault* called the *King's Forest* or *King's Woods*, or some Part thereof, and claims Title to the same through and under certain Grants thereof made to the Ancestors of the said Sir *Charles Hulse*

in a feigned Action, to try his Rights to the Soil of certain Portions of the Forest of Hainault.

Hulse by Her Majesty's Royal Predecessor King *Charles* the First, and therefore insists that he is entitled to a Portion of the Allotment hereby intended to be set out to Her Majesty, as a Compensation for the Right of Soil so claimed: Be it enacted, That it shall be lawful for the said Sir *Charles Hulse* to proceed to a Trial at Law, within Twenty-two Months from the passing of this Act, at the Assizes for the County of *Essex*, in a feigned Action or Actions to be for that Purpose commenced in Her Majesty's Court of Exchequer at *Westminster*, against Her Majesty's Attorney General and the Commissioners of Her Majesty's Woods, and the Defendants in such Action shall appear, and accept One or more Issue or Issues whereby the Matter in question may be properly tried and determined (such Issue or Issues to be settled by the proper Officer or Officers of the Court of Exchequer, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the said Sir *Charles Hulse* is not entitled to the Soil of that Portion of the said Forest called the *King's Forest* or *King's Woods* so claimed by him, then the Jury or Juries by whom such Issue or Issues shall be tried shall find for the Defendants; but if it shall appear to such Jury or Juries that the said Sir *Charles Hulse* is so entitled as Lord of the said Manor of *Barking* according to the Claim made by him, then such Jury or Juries shall find for the Plaintiff; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, as well upon Her Majesty, Her Heirs and Successors, as the said Sir *Charles Hulse*, his Heirs and Assigns, and all and every Person and Persons claiming through or under him or them, unless the Court shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; provided always, that it shall be lawful for the said Court, upon sufficient Cause shown, to put off the Trial of the same, although the Time hereby limited for such Trial may be thereby exceeded; provided also, that if either of the Parties in any Action or Actions to be brought in pursuance of this Act shall die, or if any of the said Commissioners of Her Majesty's Woods shall resign, or be removed from being a Commissioner or Commissioners, pending such Action or Actions, the same shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; provided also, that it shall be lawful for the said Commissioners of Her Majesty's Woods, for and on behalf of Her Majesty, at any Time before the Trial of such Action or Actions, to make or accept Proposals to or from the said Sir *Charles Hulse*, his Heirs or Assigns, for compromising the Matter or Matters in dispute, and to compromise the same accordingly, if they and Her Majesty's Attorney General for the Time being shall see just Cause so to do, and all such

such Compromises shall be binding and conclusive; provided also, that if no such Action shall be brought, or if the same shall not be proceeded in to Trial or Trials as aforesaid, unless such Trial or Trials shall be put off with such Leave of the Court as aforesaid, then and in such Case the said Sir *Charles Hulse*, his Heirs and Assigns, and all Persons claiming through or under him or them, shall be barred and precluded from such Claim as aforesaid.

XVII. That if the Verdict in any such Trial or Trials shall be given in favour of the said Sir *Charles Hulse*, his Heirs or Assigns, and shall not be set aside by the Court, then the Commissioners of this Act shall set out and allot to the said Sir *Charles Hulse*, his Heirs and Assigns, so much and such Part of the Allotment hereinbefore directed to be set out to Her Majesty, Her Heirs and Successors, as the said Commissioners shall by Writing under their Hands award to be a just Equivalent and Compensation for and in lieu of the Right of Soil claimed by the said Sir *Charles Hulse*, his Heirs or Assigns, and to which he or they shall appear entitled by such Verdict, the said Allotment, when set out to the said Sir *Charles Hulse*, his Heirs and Assigns, to be inclosed and fenced by him or them, and to be held and enjoyed freed and exonerated from all Rights of Common and other Rights from which the said Allotment to Her Majesty is hereby freed and exonerated.

If Verdict be in favour of Sir C. Hulse, Commissioners to allot to him such Part of Crown Allotment as they shall deem an Equivalent for his Rights.

XVIII. That no such Action being brought, or during the Continuance thereof, shall impede the Commissioners in the Execution of this Act, but the Allotment hereby directed to be made shall be made, notwithstanding any such Action shall be pending; and the Commissioners of this Act shall by proper Marks and Bounds set out the Lands and Grounds which ought to be allotted to the said Sir *Charles Hulse*, his Heirs or Assigns, in case of his or their succeeding in such Trial or Trials.

Trial not to impede the Commissioners in the Execution of the Act.

XIX. That nothing in this Act contained shall extend to that Portion of *Waltham Forest* usually called *Epping Forest*.

Act not to extend to Epping Forest.

XX. That nothing in this Act contained shall in anywise extend to or prejudice the Title, Right, or Claim of Her Majesty to any Right of Common appendant or appurtenant to any anciently inclosed Lands of Her Majesty, or the Title, Right, or Claim of Her Majesty or any Person or Persons to the inclosed Parts of the said Forest of *Hainault*, or to *Chapel Lodge Farm*, otherwise the *Lawn Farm*, or *Fence Piece Farm*, or either of them, or to any other inclosed Lands, Lodges, or Lodge Grounds within the said Forest of *Hainault*, held

General Saving of Rights.

or

or claimed to be held in Severalty by Her Majesty, the Lord Warden of the said Forest, or any other Forestal Officer or Officers of Her Majesty, nor the Claim of the Vicar of *Dagenham* to Tithes or to a Rentcharge in lieu of Tithes in respect of such Portion of the said Forest of *Hainault* as is situate within the Parish of *Dagenham*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XLIV.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [1st *August* 1851.]

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

4 & 5 Vict. c. 6.

13 & 14 Vict. c. 34.

I. That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present

Acts for making, &c. Turnpike Roads in Ireland,

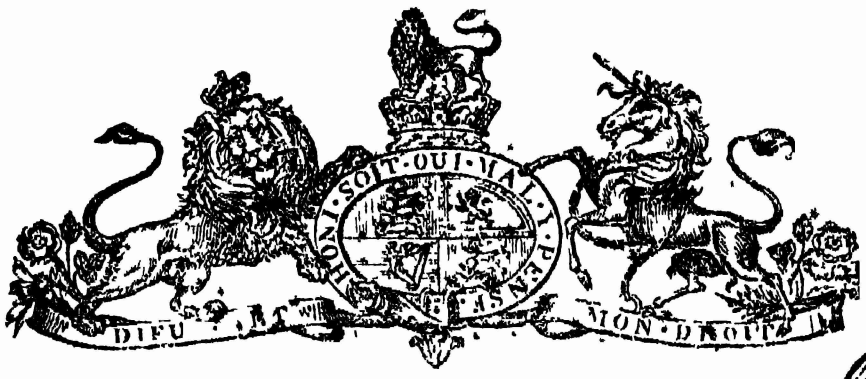
which will expire on 31st July 1851, &c further continued.

present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-two, or, if Parliament be then sitting, until the End of the then Session of Parliament.

7 G. 4. c. xxvi to continue till 1st Oct. 1852, and no longer, &c

II. Provided always, That an Act of the Seventh Year of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from the Bounds of the Counties of* Limerick *and* Cork, *between the Towns of* Kilmallock *and* Charleville, *to the City of* Cork, shall be continued until the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-two, and no longer, unless Parliament shall in the meantime further continue the said Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XLV.

An Act to continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*. [1st *August* 1851.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for amending until the First Day of* August *One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament, the Law relating to Private Lunatic Asylums in* Ireland: And whereas by an Act of the Ninth and Tenth Years of Her Majesty's Reign, and by an Act of the Tenth and Eleventh Years of Her Majesty's Reign, and also by an Act of the Twelfth and Thirteenth Years of Her Majesty's Reign, the said first-recited Act was continued, and will expire at the End of the present Session of Parliament: And whereas it is expedient to continue the same for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first-recited Act shall be and continue in full Force and Effect until the Thirty-first

5 & 6 Vict. c. 123.

Recited Act continued until 31st July 1855,

and to the End of then next Session.

first Day of *July* in the Year One thousand eight hundred and fifty-five, and thenceforth until the End of the then next Session of Parliament.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

to such Park, except that Her Majesty's said Commissioners might, in such Manner as by Law provided with regard to the Hereditary Revenues of the Crown (not being Royal Parks), lease any Part of the said Royal Park, not exceeding in the whole One Fourth Part, for Sites for Dwelling Houses or ornamental Buildings, and Offices and Gardens thereto to be annexed: And whereas an Act was passed in the Second Session of Parliament held in the Fifth Year of Her Majesty's Reign, to extend the Powers of the first-recited Act, and thereby it was enacted, among other things, that certain Maps or Plans then already made, showing the Site and intended Boundaries of *Victoria Park*, when authenticated in Duplicate by the Signature of the Right Honourable the Speaker of the House of Commons, should be deposited in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in the Office of Land Revenue Records and Enrolments respectively, and Powers were given to the said Commissioners, on behalf of Her Majesty, to purchase the Lands, Tenements, and Hereditaments mentioned and described in the Schedule to the said Act, some of such Lands being of Copyhold Tenure: And whereas the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in execution of the said recited Acts, have purchased, on behalf of Her Majesty, all the Lands, Tenements, and Hereditaments mentioned and described in the Schedule to the secondly-recited Act, and have partly laid out, formed, and planted the said Park: And whereas it is expedient that the particular Portions of the said Park which it is intended to lease under the Authority of the first-recited Act should be defined, and that the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should be empowered to sell or exchange such last-mentioned Portions of the said Park, in the like Manner as they are by Law empowered to sell or exchange any Parts or Parcels of the Hereditary Land Revenues of the Crown, not being Royal Forests, Parks, or Chases, in *England*: And whereas the said Commissioners have caused a new Map or Plan to be made in duplicate of the Lands, Tenements, and Hereditaments acquired under the Powers and for the Purposes of the said recited Acts, as the same are now laid out or designed to be laid out, and have therein distinguished the particular Portions of the same which it is proposed to lease, and to which it is proposed that the Powers of Sale and Exchange vested in the said Commissioners with respect to Land Revenues of the Crown, not being Royal Forests, Parks, or Chases, should be extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 Vict. Sess. 2. c. 20.

Maps or Plans when authen-

I. That the said Duplicate Maps or Plans shall be authenticated by the Signature of the Right Honourable the Speaker of the House of

of Commons, and when so authenticated One of them shall be deposited in the Office of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or in case the Department of Her Majesty's Woods, Forests, and Land Revenues shall be separated from the Department of Her Majesty's Works and Buildings, then in the Office of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, and the other of them shall be deposited in the Office of Land Revenue Records and Enrolments, and the Maps or Plans so deposited shall remain in such Offices respectively to the end that all Persons may at all seasonable Times have Liberty to inspect the same, at their Will and Pleasure, on paying the Sum of One Shilling for every such Inspection.

ticated to be deposited, and to be open to Inspection.

II. That the Portions of the said Royal Park called *Victoria Park* (not exceeding in the whole One Fourth Part thereof) which the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are by the first-recited Act empowered to lease shall be such Parts and Parcels of the Lands, Tenements, and Hereditaments delineated in the Maps or Plans so to be deposited as aforesaid as are therein distinguished by being coloured Red; and it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or, in the event of such Separation of Departments as aforesaid, for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, to lease, sell, and exchange all or any Part of the said last-mentioned Lands, Tenements, and Hereditaments, and any Lands, Tenements, and Hereditaments to be by them taken in exchange, under the Powers herein contained or referred to, in such and the like Manner in all respects as they are by Law empowered to lease, sell, or exchange any Part or Parcel of the Possessions and Land Revenues of the Crown, not being Royal Forests, Parks, and Chases, in England; and all and singular the Powers, Provisions, Regulations, Exemptions from Stamp Duty, and Enactments whatsoever, contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Fifty, an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter One, and in any other Act of Parliament now in force, with respect to the Possessions and Land Revenues of the Crown, not being Royal Forests, Parks, and Chases, shall, so far as the same are applicable, be taken to extend and apply to all and every the Parts and Parcels of the said Royal Park called *Victoria Park* which are in the aforesaid Maps or Plans distinguished and coloured Red, and to all Leases, Deeds, Agreements, and Contracts whatsoever which may be made in pursuance of the recited Acts and this Act, or any or either of them.

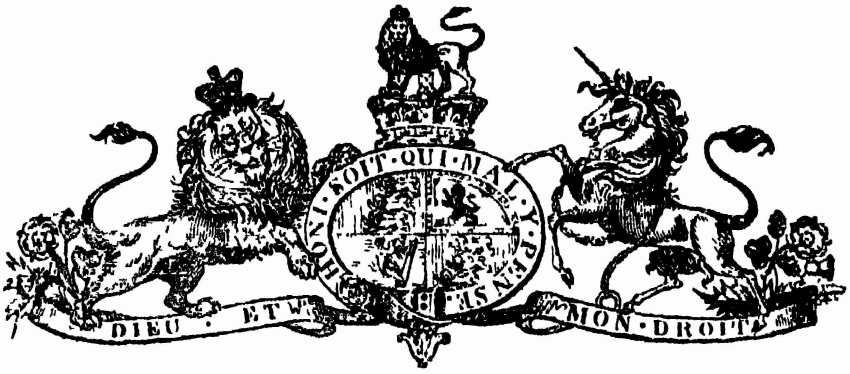
Defining Portions of the Park to be leased, and extending thereto Powers of Sale and Exchange.

III. And

Trustees of Copyholds in trust for Her Majesty to be indemnified.

III. And whereas the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are by Law empowered to purchase, on behalf of Her Majesty, Her Heirs and Successors, Messuages, Lands, Tenements, and Hereditaments of Copyhold or Customary Tenure, and on every such Purchase to cause such Messuages, Lands, Tenements, or Hereditaments to be surrendered to or well and effectually vested in a Trustee or Trustees for and on behalf of Her Majesty, Her Heirs or Successors; and it is reasonable that every such Trustee should be indemnified as after mentioned: Be it enacted, That in all Cases where any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure have been at any Time heretofore or shall at any Time or Times hereafter be purchased or taken in exchange by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or, in case of such Separation of Departments as aforesaid, by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, under any Powers vested or to be vested in them, and such Messuages, Lands, Tenements, or Hereditaments have been or shall be surrendered to or vested in any Trustee for and on behalf of Her Majesty, Her Heirs or Successors, all Sums of Money, Fines, Fees, Rents, Services, and Heriots, Costs, Charges, Damages, and Expenses whatsoever, which shall become due or payable by or be recovered from or against any such Trustee, his Heirs, Executors, or Administrators, by reason of the Surrender or Conveyance to him of any such Lands, Tenements, and Hereditaments of Copyhold or Customary Tenure, or by reason of his Admission thereto as Trustee for Her Majesty, Her Heirs or Successors, or of any subsequent Surrender thereof by him, be wholly borne, satisfied, and discharged by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or, in the event of such Separation of Departments as aforesaid, by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, by and out of the Possessions and Land Revenues of the Crown, and every such Trustee, his Heirs, Executors, or Administrators, Lands, Tenements, Goods, and Chattels, shall be wholly and fully indemnified by the said Commissioners from and against all such Sums of Money, Fines, Heriots, Rents, and Services as aforesaid, and from and against all Costs, Charges, Damages, and Expenses whatsoever in relation to the Premises.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

in force until the First Day of *October* in the Year One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

4 G. 4. c. 87. *An Act to amend and render more effectual the Provisions of an Act made in the Fiftieth Year of His late Majesty's Reign for preventing the administering and taking unlawful Oaths in* Ireland: And whereas the Provisions of the said last-recited Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland: And whereas by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled 'An Act to extend and render more effectual for 'Five Years an Act passed in the Fourth Year of His late Majesty 'George the Fourth, to amend an Act passed in the Fiftieth Year of 'His Majesty* George *the Third, for preventing the administering 'and taking unlawful Oaths in* Ireland,' the said last-recited Act was continued for the further Period of One Year from the First Day of *September* in the Year One thousand eight hundred and forty-four: And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled 'An Act to 'extend and render more effectual for Five Years an Act passed in 'the Fourth Year of His late Majesty* George *the Fourth, to amend 'an Act passed in the Fiftieth Year of His Majesty* George *the 'Third, for preventing the administering and taking unlawful 'Oaths in* Ireland,' the said Act of the Second and Third Years of Her present Majesty (subject to an Amendment in the said Act of the Eighth and Ninth Years of Her present Majesty contained) was continued in force for the further Period of Two Years from the First Day of *September* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament: And whereas by an Act of the Eleventh and Twelfth Years of Her Majesty, to continue and amend the said Act of the Second and Third Years of Her Majesty, the said last-mentioned Act was further continued as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, and will expire at the End of the present Session: And it is expedient that the said recited Act of the Second and Third Years of the Reign of Her present Majesty should be further continued as amended as aforesaid: Be it therefore enacted by the Queen's most Excellent

2 & 3 Vict. c. 74.

7 & 8 Vict. c. 78.

8 & 9 Vict. c. 55.

11 & 12 Vict. c. 89.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act of 2 & 3 Vict. to continue in force for a further Period of Five Years, &c.

1. That the said recited Act of the Second and Third Years of the Reign of Her present Majesty, as amended by the said Act of the Eighth and Ninth Years of Her Majesty's Reign, and by the said Act of the Eleventh and Twelfth Years of Her Majesty's Reign, shall be and continue in full Force and Effect from the passing of this Act for the further Period of Five Years, and until the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XLIX.

An Act to repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof. [1st *August* 1851.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-nine: And whereas it is expedient to repeal the said Act, and to make other Provisions in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 11 & 12 Vict. c. 129.

I. That in respect of all future Applications to Parliament for Local Acts the said recited Act shall be and the same is hereby repealed. Recited Act repealed.

II. Whenever Application shall be made to Parliament for a Bill whereby Power is sought to construct any Works on the Shore of the Sea, Where Works proposed on tidal Lands,

Admiralty may require Statements, &c.

Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, or to construct any Bridge, Viaduct, or other Work across any Creek, Bay, Arm of the Sea, or navigable River, or to construct any Work affecting the Navigation of any Harbour, Port, tidal Water, or navigable River, it shall be lawful for the Lord High Admiral, or for the Lords Commissioners for executing the Office of Lord High Admiral, to require the Promoters of such Bill to deposit at the Office of the Admiralty, in addition to the Plans, Sections, or other Documents which may have been deposited at such Office in compliance with the Standing Orders of either House of Parliament, all such Statements and other Documents as the said Lord High Admiral or Lords Commissioners shall deem necessary to explain the Objects of the intended Application to Parliament, and the proposed Interference with such tidal Lands or Navigation, as the Case may be.

Admiralty may appoint Inspectors.

III. It shall be lawful for the said Lord High Admiral or Lords Commissioners, if they shall consider the same necessary or expedient, but not otherwise, to appoint a competent Person or Persons to be an Inspector or Inspectors, for the Purpose of inquiring, in such Manner and at such Time and Place as they shall direct, into all such Matters as they shall deem necessary to enable them to report to Parliament their Opinion upon every such Bill touching the Jurisdiction or Authority of the Lord High Admiral.

Inspectors may summon Witnesses and examine them upon Oath.

IV. For the Purposes of such Inquiry the said Inspector or Inspectors may, by Summons under his or their Hands, summon before him or them any Person having the Custody of any Map, Survey, or Book made or kept in pursuance of any Act of Parliament, to produce such Map, Survey, or Book for his or their Inspection, and the said Inspector or Inspectors may summon, in manner aforesaid, any other Person whose Evidence shall, in the Judgment of the said Inspector or Inspectors, be material to his or their Inquiries, and pay or allow to every such Person so summoned by him or them, the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises.

Penalty for Non-attendance or refusing to answer Questions.

V. Any Person, being summoned by such Inspector or Inspectors, who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Maps, Surveys, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath or otherwise such Questions as may be put to him by such Inspector or Inspectors under

under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within the Town, District, or Place wherein such Inquiry shall be held; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under their Hands and Seals; and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place in aid of the County Rate; provided that no Person, other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from his usual Place of Abode.

Admiralty may take Security for Payment of Expenses of Inquiry.

VI. Before instituting any such Inquiry the said Lord High Admiral or Lords Commissioners may, if they think fit, require and take such Security for the Payment of the whole or any Part of the Costs, Charges, and Expenses to be incurred by them in respect of such Inquiry (including the Remuneration of the Inspectors) as to them shall seem fit; and whenever any such Security is given, the Costs, Charges, and Expenses in respect whereof it is given shall, to such Amount as shall be certified by the said Lord High Admiral or Lords Commissioners (not exceeding the Extent or Amount of such Security), be a Debt due to Her Majesty from the Person or Persons respectively by whom the same is entered into.

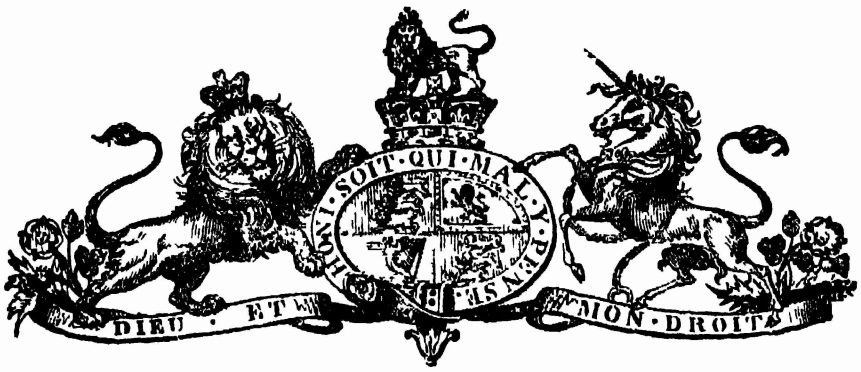
Petitioners for Private Bill to be deemed the Promoters.

VII. The Persons whose Names shall be subscribed to the Petition for any Private Bill shall be deemed to be Promoters of such Bill for all the Purposes of this Act, notwithstanding the Persons subscribing such Petition shall have signed for or on behalf of any other Party.

Form of citing the Act

VIII. In citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The Preliminary Inquiries Act, 1851."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. L.

An Act to amend the Public Health Act, and an Act of the Third and Fourth Years of King *William* the Fourth, in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates.

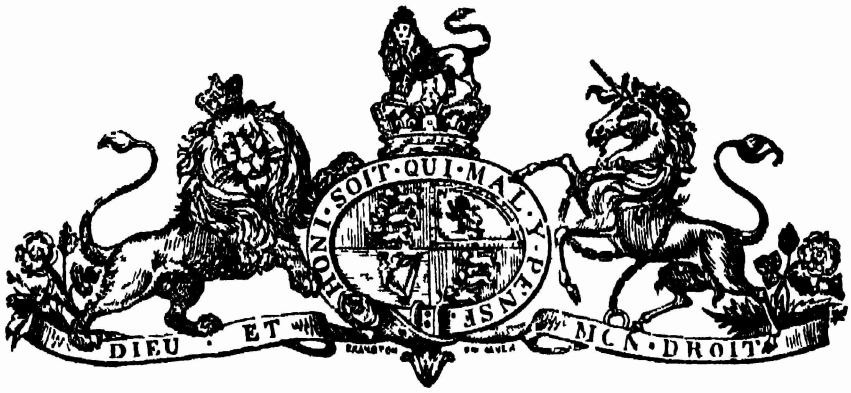
[1st *August* 1851.]

WHEREAS by an Act passed in the Session of Parliament of the Third and Fourth Year of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Eleventh Year of His late Majesty King* George *the Fourth, for the lighting and watching of Parishes in* England *and* Wales, *and to make other Provisions in lieu thereof*, it is provided, that in levying any Rate necessary for the Purposes of the said Act the Owners and Occupiers of Houses, Buildings, and Property (other than Land) rateable to the Relief of the Poor in any Parish shall be rated at and pay a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated at and pay for the Purposes of said Act: And whereas by an Act passed in the Session of Parliament of the Eleventh and Twelfth Year of the Reign of Her present Majesty, intituled *An Act for promoting the Public Health*, it is, among other things, provided, for the Pur- 3 & 4 W. 4. c. 90. 11 & 12 Vict. c. 63.

poses of the said last-mentioned Act, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only shall be assessed in respect of the same in the Proportion of One Fourth Part only of the net annual Value thereof: And whereas it is just that Tithes, Tithe Rentcharges, and other like Payments issuing out of Land should be assessed for the Purposes of the said Acts in the same Proportion of their net annual Value as such Land itself: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Tithes, Tithe Rentcharges, Moduses, Compositions Real, and other Payments in lieu of Tithe, shall be assessed under the firstly-recited Act as and in the same Proportion of their annual Value as Land, and under the secondly-recited Act as and in the same Proportion of their annual Value as Land used as Arable, Meadow, or Pasture Ground only.

Tithes and Tithe Rentcharges, &c. to be assessed as Land.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

the Seventh Year of the Reign of Her present Majesty, Chapter Forty-four: And whereas another Act was passed in the Ninth Year of the Reign of Her present Majesty, Chapter One: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Eighty-five: And whereas by an Act passed in the present Session of Parliament, Chapter Twenty-three, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are empowered, by Warrant under the Hands of any Two or more of them, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to direct the Issue or Payment thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt, of a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and fifty-two: And whereas sundry Advances or Loans have been made by the Commissioners of Public Works in *Ireland* under the said first-recited Act, and the several Acts since passed for amending and extending the same, for the Purposes in the same Acts specified; and great Benefits have been derived therefrom, and further Advances or Loans are required for the like Objects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

9 & 10 Vict. c. 1.

9 & 10 Vict. c. 85.

14 & 15 Vict. c. 23.

Appointment of Commissioners.

I. That the Commissioners of Public Works for the Time being shall be Commissioners for the Execution of this Act.

Treasury may, out of the 360,000*l.* per Annum granted by 14 & 15 Vict. c. 23., apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.

II. That the said Commissioners of Her Majesty's Treasury, by Warrant under the Hands of any Two or more of them, may direct, from Time to Time, that out of the Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* which by the said Act of this present Session of Parliament they are authorized to charge on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and which they are authorized to direct to be paid to the Account of the Commissioners for the Reduction of the National Debt, during the Term of Five Years next ensuing the Fourth Day of

of *April* One thousand eight hundred and fifty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter as aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt, during the said Term of Five Years, a Sum not exceeding Fifteen thousand Pounds *per* Quarter, to be at the Disposal of the said Commissioners of Public Works, as herein-after mentioned, such quarterly Instalments or Issues to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and fifty-two.

The separate Account already opened to be continued at the Bank of England.

III. That for the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall continue or cause to be continued the separate Account already opened with them at the Bank of *England* under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly; and the said Commissioners for the Reduction of the National Debt shall continue and keep, or cause to be continued and kept, in their Office, a Book or Books, in which all Monies transferred to the said last-mentioned Account by virtue of this Act and the said recited Act of the Seventh Year of the Reign of Her present Majesty shall be kept, apart from all other Monies, and such Monies shall be by the same Commissioners held subject to the Disposal of the said Commissioners of Public Works for the several Purposes of the said first-recited Act and the other Acts amending the same, and of this Act.

When Treasury shall have sanctioned Loans, Commissioners of Public Works to certify Amount of Issue to Commissioners for Reduction of National Debt.

IV. That when the said Commissioners of Her Majesty's Treasury shall have sanctioned any Loan under this Act or any of the above-recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being, and in every such Certificate the Loan in Payment of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller

Upon Certificate being

produced Payment to be made.

Comptroller General or Assistant Comptroller, or Chief Clerk acting under the last-named Commissioners, shall upon the Back of such Certificate endorse and sign an Order for the Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of *England*, to be by them placed to the Account of the Governor and Company of the Bank of *Ireland*, for the separate Account and Credit of the Paymaster of Civil Services in *Ireland*, on account of the Public Works Loan Fund for *Ireland*, to be by him paid over, on the Warrants of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty's Treasury shall appear on such Certificate under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in the Names of the said Commissioners for the Reduction of the National Debt subject to the Disposal of the said Commissioners of Public Works.

Approval of Treasury of such Issue to appear on Certificate.

Order to be entered by the proper Officer, countersigned by the Actuary, and addressed to the Cashiers of the Bank of England, who shall pay the same.

V. That every such Order of the Officer of the said Commissioners for the Reduction of the National Debt, before the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England;* and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of *England;* and the Signature of One of the Cashiers of the said Governor and Company of the Bank of *England* shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

Commissioners for Reduction of National Debt to furnish an annual Account for Audit.

VI. That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund for *Ireland* as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Bank of Ireland to continue Account with Paymaster of

VII. That the Governor and Company of the Bank of *Ireland* shall continue the Account already opened in their Books with the Paymaster of the Civil Services of *Ireland* under the Title of "The Paymaster of the Civil Services, on account of the Repayment of Loans for

for Public Works," and Monies which shall from Time to Time be repaid in respect of Loans made under this Act, or in respect of the Interest thereof, shall be carried to the Credit of the same Account.

Civil Services of Repayments.

VIII. That as soon as any Sum of Money shall have been so lodged to the Credit of the said Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall, upon a Notification thereof, cause to be made out and delivered to the said Paymaster of Civil Services a Statement of the proper Appropriation of such Payment, whether for Account of Interest or Principal, or how much for each respectively, upon which the said Paymaster of Civil Services shall cause to be prepared accordingly the proper Receipt or Voucher, and send the same to the said Commissioners of Public Works, who shall thereupon cause the Sum or Sums therein mentioned to be entered on the Books of the said Commissioners, to the Credit of the Loan on account of which such Payment shall have been made, and such Receipt, when so entered, shall be delivered to the Party or Person on whose Account such Payment shall have been so made, and such Receipt shall be a sufficient Discharge to the Party or Person paying the same.

Appropriation and Entry of Repayments.

IX. That every Sum of Money which shall be paid into the Bank of *Ireland* to the Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works, under this Act, shall from Time to Time, immediately on such Payments being made, be transferred to the Governor and Company of the Bank of *Ireland*, to the Account kept by the Bank of *England* with Her Majesty's Exchequer, and, when so transferred, shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

X. That all the Enactments contained in the said recited Acts relating to Public Works in *Ireland*, or any of them, shall, except as is herein otherwise provided, extend to this Act, and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury, or the said Commissioners of Public Works, or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act, or any of them, in such or the like Manner as if they had been particularly and severally re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit, except

Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

so far only as the same are amended or altered by any of the said Acts or by this Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

grant Warrants for the Arrest of absconding Debtors.

upon due Proof by Affidavit, intituled in One of Her Majesty's Superior Courts of Common Law, of the Creditor applying, or of some other Person, or by solemn Affirmation in Cases in which solemn Affirmation is allowed by Law, to the Satisfaction of such Commissioner or Judge, that a Debt of Twenty Pounds or upwards is owing to such Creditor, and is then payable from the Person or Persons against whom such Application shall be made, and that there is probable Cause for believing that such Debtor or Debtors, unless he or they be forthwith apprehended, is or are about to quit *England* with Intent to avoid or delay the said Creditor, or with Intent to remain out of the Jurisdiction of the Courts of Law in *England* so long that thereby the said Creditor will or may be delayed in the Recovery of the said Debt, to grant a Warrant, such Warrant being in the Form and endorsed in the Manner specified in the Schedule A. to this Act annexed, or to the like Effect, to the Messenger of the said Court of Bankruptcy, or to the High Bailiff of the said County Court, whereby the said Messenger or High Bailiff shall have Authority, at any Time within Seven Days after the Date of the said Warrant, including the Day of such Date, to arrest the Person or Persons named in such Warrant, and him or them safely keep until he or they shall have given Bail to such Messenger or High Bailiff, or made Deposit with him, according to the Practice observed in the Superior Courts of Law, or until he shall have paid the Debt and Costs endorsed on the said Warrant, or be otherwise discharged from Arrest under such Warrant by due Course of Law, and that such Warrant shall bear Date the Day of the issuing thereof, and may be executed in any Part of *England*, and that a Copy of such Warrant or Warrants shall at the Time of the Arrest be served upon the Party arrested: Provided always, that every Creditor who shall cause such Warrant to issue shall forthwith cause to be issued a Writ of Capias, and also, in Cases where no Action shall be pending, shall, before the issuing of such Writ of Capias, cause a Writ of Summons to be issued out of some One of the Superior Courts of Law against such Debtor or Debtors, and that upon such Capias all Mandates and Warrants shall issue according to the Practice now in use, notwithstanding that the Defendant shall have been arrested by virtue of any Warrant or Warrants granted by such Commissioner or Judge, and such Debtor or Debtors shall, if in Custody, be served with such Writ of Capias, within Seven Days from the Date of such Warrant, including the Day of such Date; and thereupon such Debtor or Debtors shall be considered and deemed to have been arrested by virtue of the said Writ of Capias, and all Proceedings shall be had upon such Writ of Capias as if the same had been issued prior to the issuing of such Warrant, and the Arrest made on such Writ of Capias, and according to the Practice now observed in the said Superior Courts of Law.

Writ of Capias to issue thereupon.

II. The

II. The Affidavit or Affirmation required by this Act may be sworn or made before such Commissioner or Judge, or before any Person having Authority to administer Oaths in any of the Courts of Law aforesaid.

Before whom Affidavits to be sworn.

III. The Warrant or Warrants which shall be issued by virtue of this Act shall be auxiliary only to the Processes now in use, and shall be wholly void and of none Effect whatsoever, as a Protection to the Person on whose Behalf such Warrant shall have issued, unless such Writ of Capias shall be issued and served in manner aforesaid.

Warrants to be auxiliary to such Writ of Capias.

IV. The Person to whom the Warrant hereby authorized to be issued shall be directed shall, immediately on the same being executed, endorse a Certificate thereupon of the Time and Place where the Debtor was arrested; and the Production of such Warrant and Certificate to the Sheriff of the County where such Warrants shall have issued, or to the Keeper of the Gaol of such County, shall be a sufficient Authority to such Sheriff or Keeper to detain such Debtor or Debtors until he or they shall be discharged by due Course of Law.

Time and Place of Arrest of Debtor to be endorsed upon Warrant, and upon Production Sheriffs to receive and detain such Debtor.

V. It shall be lawful for any Person arrested upon any such Warrant forthwith before the issuing of the said Writ of Capias to pay the Debt and Costs which shall be endorsed on such Warrant to the said Messenger or High Bailiff as aforesaid, or to enter into a Bail Bond to such Messenger or High Bailiff, with Two sufficient Sureties, for the Amount which shall be endorsed on such Warrant, conditioned to put in Special Bail as required by the said Warrant, or to make Deposit of the Sum endorsed on such Warrant, together with Ten Pounds for Costs, and thereupon he shall be entitled to be discharged from Custody, and such Messenger or High Bailiff is hereby authorized to discharge such Person accordingly.

Persons arrested entitled to Discharge in certain Cases.

VI. As soon as the Person so arrested as aforesaid has been taken into Custody, or detained, under the Writ of Capias hereinbefore mentioned, the Force and Effect of the said Warrant so granted as aforesaid shall immediately cease and determine, and the said Sheriff shall hold the said Person under or by virtue of the said Writ of Capias, in like Manner as if the said Person had been first arrested under and by virtue of the same, or in case the Person so arrested shall have made Deposit with the said Messenger or High Bailiff as aforesaid, or entered into such Bail Bond as aforesaid, then, upon Delivery to the Messenger or High Bailiff respectively by whom such Person was arrested of a Copy of the Warrant granted by the Sheriff upon such Writ of Capias as aforesaid, the said Messenger or

Effect of Writs of Capias on previous Proceedings.

or High Bailiff shall pay over to such Sheriff as aforesaid the said Deposit, or assign to the said Sheriff such Bail Bond as aforesaid, and the said Sheriff shall then hold the said Deposit or Bail Bond, and shall be entitled to enforce the said Bail Bond in his own Name, or to assign the same in the same Manner as if the said Person had been first arrested on the said Writ of Capias; and the said Deposit had been made, or Bail Bond entered into with the said Sheriff; provided always, that the said Sheriff shall not be in any Manner liable or answerable for any Default, Misbehaviour, or Miscarriage of the Person to whom such Warrant was addressed, or of the Person or Persons making the Arrest under and by virtue of the said Warrant: Provided also, that if no Writ of Capias be issued and served within Seven Days from the Date of the said Warrant, including the Day of such Date, the Person arrested under such Warrant shall be entitled to be discharged from Custody, or in case the Deposit has been made with, or Bail Bond given to, the said Messenger or High Bailiff, then the said Deposit shall be returned, and the said Bail Bond given up to be cancelled.

Endorsement on Warrant.

VII. Such Warrant shall be endorsed with the Amount of Debt and Costs claimed by the Plaintiff in such Manner as Writs of Capias are now directed to be endorsed, and on Payment of the Amount so endorsed all Proceedings shall be stayed, and the Person so arrested be discharged from Custody, and he shall be at liberty afterwards to tax the Costs so endorsed as if he had been arrested under a Writ of Capias.

Persons arrested may apply to a Commissioner of Bankrupt, a Judge, or the Court named in the Warrant, for their Discharge.

VIII. It shall be lawful for any Person for whose Arrest a Warrant shall have been granted to make Application, either before or after Arrest shall have been made by virtue of the said Warrant, and before a Writ of Capias shall have been issued as aforesaid to any Commissioner of Bankrupt, or County Court Judge as aforesaid, or to any Judge of the said Superior Courts, or to the Court mentioned in the Affidavit of Debt or Warrant for the Arrest, for a Summons or Rule calling upon the Creditor who shall have obtained such Warrant to show Cause why the Warrant should not be set aside and vacated, if such Application shall be made before Arrest, or why the Debtor should not be discharged out of Custody, if the Application should be made after Arrest, and that it shall be lawful for such Commissioner or Judge or Court to make absolute or discharge such Summons or Rule, and direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Commissioner, Judge, or Court shall seem fit; provided that any such Order made by a Judge may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order.

IX. The

IX. The Officer to whom such Warrant shall be directed or addressed as aforesaid shall be subject to the Jurisdiction of the Court in which the Action shall be brought, or of any Judge thereof, and shall be responsible to such Court or Judge, and to the Person at whose Suit such Warrant shall issue, for the due Execution of the said Warrant, in the same Manner exactly as Sheriffs are now responsible for the due Execution of all Writs of Capias directed or addressed to them, and shall be entitled to the same Protection as Sheriffs now are entitled to on executing such Writs.

Officer responsible for the due Execution of Warrant.

X. The Costs of and attending the Warrant hereby authorized to be issued, and the Arrest thereon, shall be deemed to be Costs in the Cause: Provided always, that no such Costs shall be allowed to a Plaintiff unless the Court or the proper Officer thereof is satisfied, by Affidavit or otherwise, that the Plaintiff had good Reason to believe that he would probably have failed in causing the Defendant to be arrested if he had proceeded in the first instance by Application to a Judge of One of the Superior Courts for a Writ of Capias, without first applying to a Judge of a County Court or a Commissioner of the Court of Bankruptcy, as the Case may be, under the Provisions of this Act.

Costs of such Warrant to be Costs in the Cause, except as herein provided to the contrary.

XI. The Fees mentioned in Schedule B. to this Act annexed shall be paid to the Parties in the said Schedule named, and that no other Fees shall be allowed or taken in respect of the Warrant to be issued by virtue of this Act, and that the Costs of the Writs of Capias and Summons shall be the same as if this Act had not passed; and the said Fees shall be deemed subject to be regulated, varied, increased, or lessened, either by One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, as regards such Fees as are receivable by any Officer of the County Court, or by the Lord Chancellor, with the like Consent as regards such Fees as are receivable by any Officer of the Court of Bankruptcy; and a Table of such Fees as are hereby receivable by any Officer of either Court respectively shall be put up in some conspicuous Place in the County Court and the Bankruptcy Court respectively.

Fees to be taken in respect of Warrant to be issued.

XII. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Absconding Debtors Arrest Act, 1851."

Short Title of Act.

SCHEDULE A.

THE ABSCONDING DEBTORS ARREST ACT, 1851.

WHEREAS *A. B.* [*the Creditor*] hath this Day proved upon Oath [*or* solemn Affirmation, *as the Case may be,*] to my Satisfaction that *C. D.* [*the Debtor*] is indebted to the said *A.B.* in the Sum of £ , and that there is probable Cause for believing that the said *C.D.*, unless he be forthwith apprehended, is about to quit England with such Intent as is mentioned in the Absconding Debtors Arrest Act, 1851. These are to desire and authorize you, that you take the said *C. D.* wheresoever he may be found, and him safely keep until he shall have given you Bail, or made Deposit with you according to Law in an Action ["on Promises," *or* "of Debt," *or* "Covenant," *as the Cause of Action may be,*] at the Suit of *A.B.*, or until the said *C.D.* shall have paid the Debt and Costs endorsed on this Warrant, *or* shall by other lawful Means be discharged from your Custody. I do further command you to whom this Warrant is directed, that on Execution hereof you do deliver a Copy hereof to the said *C.D.* And I hereby require the said *C.D.* to take notice that Application will be made forthwith to the Court of [Queen's Bench, *or* Common Pleas, *or* Exchequer, *or* Common Pleas at Lancaster, *or* Pleas at Durham, *as the Case may be,*] for a Writ of Capias to be issued against the said *C.D.*, and a Copy of such Writ if obtained will be served upon the said *C.D.*, if still in Custody, within Seven Days from the Date of this Warrant, including the Day of such Date. And I do further command you to whom this Warrant is directed, that immediately after the Execution hereof you do certify by Endorsement hereon the Time and Place when and where you shall have executed the same. Dated the Day of A. D.

This Warrant is to be executed within Days from the Date hereof, including the Day of such Date, and not afterwards.

(ENDORSEMENT.)

This Warrant was issued by of
Attorney for the within-named

A WARNING TO THE DEFENDANT.

WITHIN Seven Days from the Day of the Date of this Warrant, including the Day of such Date, you will be served with a Writ of Capias, and thereafter you will be considered as arrested by virtue of such Writ of Capias, and all Proceedings will be had upon the said Writ of Capias as if this Warrant had not issued, or you may be discharged forthwith on depositing in the Hands of the Officer to whom this Warrant is directed the Sum of £ and Ten Pounds for Costs, or on Payment to such Officer of the Debt and Costs endorsed on this Warrant, or on entering into a Bail Bond to such Officer, with Two sufficient Sureties, for the Amount endorsed on this Warrant.

The Plaintiff claims £ for Debt and £ for Costs.

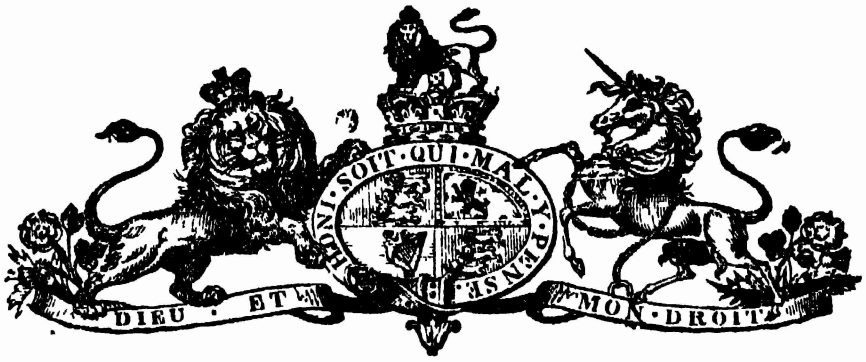
Bail for the Sum of £ by Order of [*the Party issuing the Warrant*].

SCHEDULE B.

FEES.

	£	s.	d.
To the Attorney, for preparing the Affidavit of Debt, and showing that the Debtor is about to abscond, and Oath - - - - - -	0	10	0
To the same, for attending to issue the Warrant - -	0	6	8
To the Clerk of the County Court on the issuing of a Warrant - - - - - - - - -	0	5	0
To the Party executing the Warrant, for the Caption -	1	1	0
To the same, for every Mile from the Place where the Warrant shall be issued to the Place where it shall be executed, a further Sum of - - - - -	0	0	6
To the same, for every Mile from the Place where the Debtor shall be arrested to the Gaol where he shall be lodged, the further Sum of - - - - -	0	1	0

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

9 & 10 Vict. c. 101.

been amended by other Acts: And whereas under an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and other Acts relating to the Drainage of Lands in *Great Britain*, certain Powers and Duties are vested in the said Inclosure Commissioners in relation to such Drainage: And whereas the Appointments and Powers of Appointment of the said Copyhold Commissioners and Inclosure Commissioners, and of their Assistant Commissioners, Secretaries, and other Officers, will expire at the End of the present Session of Parliament: And whereas it is expedient to continue for the Period herein-after mentioned, and subject as herein provided, the Powers of Appointment contained in the said Act of the Fourth and Fifth Years of Her Majesty, and to transfer to the Commissioners to be appointed thereunder the Duties and Powers of the said Inclosure Commissioners, and to provide for the Completion of the Proceedings for the Commutation of Tithes which have not been completed, and for the Exercise and Performance of such of the Powers and Duties of the said Tithe Commissioners as remain to be exercised or performed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 4 & 5 Vict. c. 35. as authorizes the Appointment of Commissioners, &c. continued for Two Years. Salary of a Commissioner not to exceed 1,500*l.*

I. So much of the said Act of the Fourth and Fifth Years of Her Majesty as authorizes the Appointment of Commissioners and other Officers as therein mentioned shall be continued for Two Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and the Powers of Appointment so continued shall be construed as authorizing such Appointments as aforesaid, for all the Purposes of this Act: Provided always, that the Salary of any Commissioner to be appointed under the Power hereby continued shall not exceed Fifteen hundred Pounds.

Commissioners to come in the Place of Copyhold and Inclosure Commissioners, and to complete Proceedings under Tithe Acts, and to exercise all other Powers now vested in Copyhold, &c. Commissioners.

II. The Commissioners to be appointed as aforesaid shall be Commissioners for executing the said Acts of the Fourth and Fifth and the Eighth and Ninth Years of Her Majesty, and the Acts amending, explaining, and extending the same, and the Acts relating to the Drainage of Lands in *Great Britain*, in the Place of the said Copyhold Commissioners and Inclosure Commissioners respectively, and all the Powers and Duties of the said Tithe Commissioners which at the End of the present Session of Parliament are not fully exercised and performed shall by virtue of this Act be transferred to and become vested in the Commissioners appointed under this Act, and where under any Act of Parliament any Powers or Duties are or may be vested in or to be performed by the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners, or any or either of such Commissioners, all such Powers and Duties shall be vested in and performed by the said Commissioners to be appointed as aforesaid; and the Commissioners appointed under this Act shall, in all Proceedings in the Exercise and Performance of the Powers and Duties to be exercised and performed by them under this Act, in the Place of the said Copyhold Commissioners, Inclosure Commissioners,

or

or Tithe Commissioners, adopt and use the Style and Seal of the Commissioners in whose Place they come under this Act in respect of such Powers and Duties.

As to Continuance of Secretary and Officers.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct that such of the Secretaries, Assistant Secretaries, Clerks, and Officers employed under the said Tithe Commissioners, Copyhold Commissioners, and Inclosure Commissioners respectively as the said Commissioners of the Treasury shall think necessary be continued so long as such Commissioners may think fit, under and for the Purposes of this Act; and all such Officers may be removed as if they had been appointed under the Powers hereby continued; and no Assistant Commissioner, Secretary, or other Officer shall be appointed by the Commissioners appointed under this Act without the Consent of the said Commissioners of Her Majesty's Treasury.

Appointments and Powers of Assistant Commissioners continued.

IV. All Appointments and Powers of Assistant Commissioners under the said Acts or any of them which may be in force immediately before the End of the present Session of Parliament shall respectively continue in force until revoked by the Commissioners appointed under this Act, subject nevertheless to the Provision next herein-after contained.

Appointments under this Act limited to Two Years.

V. No Commissioner or Assistant Commissioner, Secretary, or other Officer or Person appointed or continued under this Act, shall hold his Office for a longer Period than Two Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Two Years and of the then next Session of Parliament so much of this Act as authorizes any such Appointment shall cease.

Provisions applicable to Copyhold, &c. Commissioners applicable to this Act.

VI. Save as herein provided all Provisions of any Acts applicable to the said Copyhold Commissioners, Inclosure Commissioners, and Tithe Commissioners respectively shall be applicable in like Manner to the Commissioners under this Act.

Powers of Assistant Commissioners appointed by Tithe, Copyhold, or Inclosure Commissioners vested in Assistant Commissioners appointed or continued under this Act.

VII. Where, under the said Acts of the Sixth and Seventh Years of King *William* the Fourth, and the Fourth and Fifth and the Eighth and Ninth Years of Her Majesty, and the Acts amending, explaining, and extending the same respectively, or any of such Acts, or any other Acts of Parliament, Powers and Duties are vested in or to be performed by an Assistant Commissioner appointed by or under the said Tithe Commissioners, Copyhold Commissioners, or Inclosure Commissioners, such Powers and Duties shall and may be exercised and performed by an Assistant Commissioner appointed or continued under this Act; and all Provisions having reference to any Assistant Commissioner appointed by the said Tithe Commissioners, Copyhold Commissioners, or Inclosure Commissioners shall be construed as having reference to an Assistant Commissioner appointed or continued under this Act.

VIII. All

Matters commenced by Tithe Commissioners, &c. to be completed by Commissioners under this Act.

VIII. All Acts, Matters, and Things commenced by or under the Authority of the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners shall and may be carried on and completed by or under the Authority of the said Commissioners appointed under this Act; and such Commissioners, for the Purpose of prosecuting or defending and carrying on all Actions, Suits, or Proceedings pending at the Time of the First Appointment of Commissioners under this Act, shall come into the Place of such Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners respectively.

Extending Powers of third-recited Act to authorizing Reservation of Easements for working Mines.

IX. And whereas it is expedient that the Powers of the said Act of the Eighth and Ninth Years of Her Majesty, and the Acts amending the same, should be extended to authorize the Reservation of Easements for working Mines of the Lord of a Manor (whose Consent may be required to an Inclosure), although such Mines may not be under the Lands to be inclosed: Be it therefore enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of the said Acts of any Waste Lands of any Manor it shall be lawful for the Commissioners to require, and in their Provisional Order to specify, as One of the Terms and Conditions of such Inclosure, the Reservation to the Lord of the Manor, his Heirs, Successors, and Assigns, of Rights of Way and other Easements over the Lands intended to be inclosed, for working and carrying away any Mines, Minerals, Stone, and other Substrata the Property of the Lord of the Manor, not under the Lands proposed to be inclosed, and whether within the Manor or not within the Manor, and also for working and carrying away any Mines, Minerals, Stone, and other Substrata which may be intended to be reserved to or remain the Property of the Lord of the Manor under the Lands proposed to be inclosed, or for any of the Purposes aforesaid; and in case it shall have been so declared in such Provisional Order, then the Valuer shall and may reserve and award to the Lord of the Manor, his Heirs, Successors, and Assigns, such Liberty to construct Railways, Waggon-ways, and Roads, and such Rights of Way and other Easements over the Lands intended to be inclosed, for working and carrying away any such Mines, Minerals, Stone, or other Substrata, the Property of the Lord of the Manor as aforesaid, as by the Valuer, with the Approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent with the Terms of such Provisional Order; subject to such Provisions for Compensation for Damage to be done to the Surface in the Exercise and Enjoyment of such Rights and Easements as to the Valuer, with such Approbation as aforesaid, shall be thought reasonable.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Second Annual Inclosure Act, 1851."

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Hadleigh Common - -	Essex - -	14th February 1851.
Hainworth and Lees -	York - -	6th February 1851
East Anstey - -	Devon - -	20th March 1851.
Pitfold Manor - -	Surrey - -	14th March 1851.
Letton Common and The Fleete.	Hereford - -	24th April 1851.
Skidbrooke-cum-Saltfleet -	Lincoln - -	14th March 1851.
South Somercotes - -	Lincoln - -	20th March 1851.
Rudgwick - - -	Sussex - - -	14th March 1851.
Bentley - - -	Southampton - -	13th November 1850.
Westhall - - -	Suffolk - -	22d May 1851.
Aylesford - - -	Kent - - -	24th April 1851.
Edgware - - -	Middlesex - -	14th March 1851.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Attendance before examining Magistrate, &c. repealed.

of Misdemeanor the Power of ordering the Payment of Expenses and Compensation shall not extend to the Attendance before the examining Magistrate, shall be repealed.

Power of Courts to allow Expenses in Prosecutions for certain Misdemeanors extended to other Misdemeanors.

II. All the Provisions of the said Act of the Seventh Year of King *George* the Fourth, as amended by this Act, authorizing and empowering Courts to order Payment of Costs and Expenses, and Compensation for Trouble and Loss of Time, in Cases of the several Misdemeanors enumerated in Section Twenty-three of the said Act of King *George* the Fourth, and concerning Orders for Payment of such Costs, Expenses, and Compensation, and the Payment thereof, and all the Provisions of any other Act for, concerning, or applicable to the Payment of such Costs, Expenses, and Compensation in Cases of the said Misdemeanors, shall extend and be applicable in the Case of any of the Misdemeanors herein-after mentioned; namely, unlawfully and carnally knowing and abusing any Girl being above the Age of Ten Years and under the Age of Twelve Years; unlawfully taking or causing to be taken any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her; conspiring to charge any Person with any Felony, or to indict any Person of any Felony; conspiring to commit any Felony.

Parties bound by Recognizance to prosecute or give Evidence on Bills of Indictment for common Assaults to be allowed Costs as in Cases of Felony.

III. And whereas by an Act of the Ninth Year of King *George* the Fourth, Chapter Thirty-one, it is enacted, that where any Person shall unlawfully assault or beat any other Person, it shall be lawful for Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence; and it is by the said Act provided, that in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would have done before the passing of the said Act: And whereas it is expedient that Courts before whom such Indictments shall be tried shall have Power to order Payment of Costs to Parties so bound by Recognizance to prosecute or give Evidence: Be it enacted, That in every Case of Assault so brought before such Justices for summary Decision in which the Justices shall be of opinion that the same is a fit Subject for Prosecution by Indictment, and shall thereupon bind the Complainant and Witnesses in Recognizance to prosecute and give Evidence at the Assizes or Sessions of the Peace, every such Court is hereby authorized and empowered at its Discretion to order Payment of the Costs and Expenses of the Prosecutor and Witnesses

Witnesses so appearing before such Court under such Recognizance, together with Compensation for their Trouble and Loss of Time, in the same Manner as Courts are authorized and empowered to order the same in Cases of Felony.

IV. So much of the said Act of the Seventh Year of King *George* the Fourth as empowers the Justices of the Peace of any County, Riding, or Division, or of any Liberty, Franchise, City, Town, or Place chargeable with Costs and Expenses as therein mentioned, in Quarter Sessions assembled, to establish and alter Regulations as to the Rate of any Costs and Expenses to be allowed by virtue of that Act, shall be repealed: Provided always, that all such Regulations in force at the Time of the passing of this Act shall continue in force until revoked, or until Regulations in relation to the Matter thereof are made under the Powers of this Act.

So much of 7 G. 4. c. 64. as empowers Quarter Sessions to make Regulations as to Costs and Expenses, repealed.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State to revoke any Regulations made under the Provision herein-before repealed, and to make Regulations as to the Rates or Scales of Payment of all or any Costs, Expenses, and Compensations to be allowed or ordered to be paid under the said Act or any other Act or this Act to Prosecutors and Witnesses, and to Persons attending the Court in obedience to any Recognizance or Subpœna, in Cases of Criminal Prosecutions, and (except as herein-after mentioned) to Persons who may have been active in or towards the Apprehension of Persons charged with Offences, and also Regulations as to the Rates or Scales of Payment according to which Certificates may be granted by the examining Magistrate or Magistrates in respect of the Expenses of any Prosecutor, or Witness or Witnesses for the Prosecution, or other Person, of attending before such Magistrate or Magistrates, and of any Compensation for Trouble and Loss of Time therein, in any Case where any Court or Judge is empowered under the said Act of the Seventh Year of King *George* the Fourth or any other Act or this Act to order Payment of such Expenses or Compensation, and concerning the Forms of such Certificates and the Details or Particulars to be inserted therein of the Expenses, Trouble, and Loss of Time to which such Certificates relate, and it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to alter any such Regulations, or make new Regulations in relation to any of the Matters aforesaid, and such Regulations for the Time being shall be binding on all Courts and Persons whomsoever.

Secretary of State may make Regulations as to Costs, Expenses, and Compensations, and Certificates to be granted by examining Magistrates.

VI. Where any Court or Judge empowered under the said Act of the Seventh Year of King *George* the Fourth, or under any other

Expenses and Compensations to be ascertained

according to such Regulation, and Magistrates Certificate not to be conclusive.

other Act or this Act, in this Behalf, shall order Payment to any Prosecutor, or Witness or Witnesses for the Prosecution, or to any Person attending the Court in obedience to any Recognizance or Subpœna, in the Case of any Prosecution for Felony or any Misdemeanor or Offence, of any Costs or Expenses incurred, or of any Compensation for Trouble or Loss of Time, or order Payment (except as herein-after mentioned) to any Person who may appear to have been active in or towards the Apprehension of any Person charged with any Offence of Compensation for Expenses, Exertions, and Loss of Time in or towards such Apprehension, the Amount of such Costs, Expenses, or Compensation shall be ascertained by the proper Officer of the Court according to the Regulations made under this Act; and where the Expenses and Compensation in respect of attending before any examining Magistrate or Magistrates are so ordered to be paid, such Expenses and Compensation shall also be ascertained by the proper Officer of the Court according to such Regulations, but the Amount thereof as so ascertained shall not exceed the Amount mentioned in the Certificate of the examining Magistrate or Magistrates, and, save as aforesaid, the Certificate of any examining Magistrate or Magistrates shall not be conclusive as to the Amount to be allowed for Expenses of Attendance before him or them, or for Compensation for Trouble or Loss of Time therein.

Act not to interfere with Payments in respect of extraordinary Courage, Diligence, and Exertions.

VII. Provided always, That nothing in this Act or in any Regulations under this Act shall interfere with or affect the Power of any Court to order Payment to any Person who may appear to such Court to have shown extraordinary Courage, Diligence, or Exertion in or towards any such Apprehension as herein-before mentioned of such Sum as such Court shall think reasonable and adjudge to be paid in respect of such extraordinary Courage, Diligence, or Exertion.

Powers given to Judges by 7 G. 4. c. 64. to order Payments in respect of the Apprehension of certain Offenders extended to Courts of Sessions of the Peace.

VIII. And whereas by the said Act of the Seventh Year of King *George* the Fourth any Court of Oyer and Terminer and Gaol Delivery, and other Courts therein mentioned, are empowered to order Compensation to be paid to Persons who shall appear to the Court to have been active in or towards the Apprehension of any Person charged with Murder or with any other of the Crimes therein mentioned: And whereas it is expedient to extend such Power to Courts of Sessions of the Peace: Be it enacted, That when any Person appears to any Court of Sessions of the Peace to have been active in or towards the Apprehension of any Party charged with any of the Offences in the said Enactment mentioned which such Sessions may have Power to try, such Court of Sessions shall have Power to order Compensation to be paid to such Person in the same Manner

Manner as the other Courts in the said Enactment mentioned; provided that such Compensation to any One Person shall not exceed the Sum of Five Pounds, and that every Order for Payment to any Person of such Compensation be made out and delivered by the proper Officer of the Court unto such Person without Fee or Payment for the same.

Clerks of the Peace, &c. may be paid by Salaries in lieu of Fees.

IX. And whereas it may be expedient to authorize the Payment of Clerks of the Peace and such other Clerks as herein-after mentioned by Salaries instead of Fees: Be it enacted, That it shall be lawful for the Justices of the Peace at their General or Quarter Sessions for the several Counties, Ridings, Divisions of Counties, and Liberties throughout *England* and *Wales*, Notice being given at the preceding Quarter Sessions that a Motion will be made for such Purpose, and the Council or other governing Body in every Borough in *England* and *Wales*, from Time to Time, if they see fit so to do, to recommend to One of Her Majesty's Principal Secretaries of State that the Clerks of the Peace, the Clerks of Special and Petty Sessions, and the Clerks of the Justices of the Peace within their several Jurisdictions, or any of such Clerks as aforesaid, be paid by Salaries in lieu of Fees and other Payments, or where any such Clerks are for the Time being paid by Salaries, by virtue of any Order made under this Act or otherwise, to recommend that the Amounts of all or any of the Salaries for the Time being payable be reconsidered, or that all or any of such Clerks for the Time being paid by Salaries be paid by Fees in lieu of Salary, and where Payment by Salary in lieu of Fees or the Reconsideration of the Amounts of any Salaries is recommended, to state the Amount of Salary which in the Opinion of such Justices, Council, or governing Body should in each Case be paid; and every such Recommendation being signed by the Chairman of the Court of General or Quarter Sessions, or the Mayor or other Head Officer of the Borough, shall be transmitted to the Secretary of State; and it shall be lawful for such Secretary of State, when any such Recommendation is so made to him, by Order under his Hand, if he so think fit, to direct that all or any of the Clerks to which such Recommendation refers be paid by Salary, and to fix the Amount of Salary to be so paid, or vary the Amount of Salary for the Time being payable to any such Clerk, or to direct that any such Clerk for the Time being paid by Salary be paid by Fees in lieu of Salary; and such Secretary of State shall cause Copies of every Order made under this Enactment affecting any Clerk of the Peace, or any Clerks of Special Sessions or Petty Sessions, or Clerks to the Justices within the District of any Clerk of the Peace, to be transmitted to such Clerk of the Peace, to be by him distributed, where Occasion shall require, to such other Clerks as aforesaid; and the Salary for the Time being payable to

any such Clerk under any such Order shall be paid out of any County Rate or Rate in the Nature of a County Rate made in the County, Riding, Division, or Liberty, or out of the Borough Fund of the Borough, as the Case may be, for or in which such Clerk of the Peace or other Clerk to whom the same is payable is appointed or acts: Provided always, that in fixing the Amount of any Salary to be paid to any Clerk of the Peace or other Clerk appointed before the passing of this Act regard shall be had to the Tenure of his Office and to his Rights in respect thereof, but no Clerk of the Peace or other such Clerk as aforesaid appointed after the passing of this Act shall be entitled to any Compensation on account of any Reduction of his Emoluments occasioned by any Order made under this Enactment: Provided also, that no Order shall be made in pursuance of any Recommendation of the Council or governing Body of any Borough in relation to the Mode of Payment or the Amount of Salary of any such Clerk other than the Clerk of the Peace for such Borough, unless the Justices of such Borough at a Meeting of such Justices approve of such Recommendation, and such Approval be certified to such Secretary of State, under the Hand of the Chairman of such Meeting.

Certain Business may be excepted in fixing the Salaries.

X. Provided that any such Court of Sessions, or Council, or governing Body may, where they see fit, recommend that any Description (to be specified in the Recommendation) of the Business of any Clerk whom they may recommend to be paid by Salary should not be included in fixing the Amount of such Salary, but that such Clerk should be remunerated for the same by such Fees or other Payments as may be payable to him in respect thereof; and where any Order is made by the Secretary of State in pursuance of such Recommendation as last aforesaid, such Clerk shall be entitled to receive, for his own Use, the like Fees or Payments in respect of the Business in such Recommendation specified in this Behalf as he would be so entitled to receive if not paid by Salary; and, save as aforesaid, where any Clerk is paid by Salary under any Order made by virtue of this Act, such Salary shall include and be deemed the Remuneration for all Business which such Clerk may, by reason of his Office, be called on to perform; and no other Payment shall be made for any such Business, or for or to a Deputy of any such Clerk.

Clerks paid by Salaries to account for Fees.

XI. Save as herein-before provided, all the Fees which any such Clerk as aforesaid would have been for the Time being entitled to receive to his own Use if such Order had not been made shall, so long as any Order for Payment of such Clerk by Salary in lieu of Fees is in force, be by him received and paid in any County, Riding, Division, or Liberty to the Treasurer in aid of the County Rate or Rate

Rate in the Nature of a County Rate of such County, Riding, Division, or Liberty, and in any Borough to the Treasurer in aid of the Borough Fund, and such Fees shall be accounted for from Time to Time in such Manner and under such Regulations as the Justices at Quarter Sessions, or, in any Borough the Council or other governing Body, may direct.

Fees may be remitted by Justices.

XII. Where any Clerk is paid by Salary by virtue of any Order made under this Act, any Justices or Justice before whom any Proceeding is had, whereon a Fee is payable which should be accounted for by such Clerk under this Act, or before whom any Person is summoned for Nonpayment of any such Fee, may remit such Fee in whole or in part for Poverty or other reasonable Cause, in their or his Discretion, and in every such Case the Justices or Justice by whom any Fee is wholly or in part remitted shall cause an Entry to be made, in a Book or Books to be kept for that Purpose by such Clerk, of the Nature and Amount of the several Fees so remitted, and of the Reason for the Remission in such Case, which Entry shall be signed by the Justice, or Two or more of the Justices authorizing such Remission, and shall be a sufficient Voucher to discharge the Clerk therefrom.

So much of 4 & 5 W. 4. c. 36. as restrains Justices of London, &c. from trying certain Offences, &c., repealed.

XIII. And whereas by the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Thirty-six, it was enacted, that the Justices of the Peace acting in and for the Cities of *London* and *Westminster*, the Liberty of the *Tower of London*, the Borough of *Southwark*, and the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, should not, at their respective General or Quarter Sessions of the Peace, or any Adjournment thereof, try any Person or Persons charged with any of the Offences therein mentioned committed or alleged to be committed within the Limits of that Act: Be it enacted, That the said recited Enactment shall be repealed: Provided always, that such Repeal shall not be construed to give Authority to the said Justices of the Peace to try any Person or Persons for any Offence which the Justices of the Peace acting in and for any County, Riding, Division, or Liberty are restrained from trying under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Thirty-eight.

Such Repeal not to give Power to try Offences restrained from being tried under 5 & 6 Vict. c. 38.

Deputy to Assistant Judge of the Middlesex Session need not be in the Commission of the Peace.

XIV. So much of the Act of the Session holden in the Seventh and Eighth Year of Her Majesty as requires that any Person to be appointed a Deputy to the Assistant Judge of the Court of the Sessions of the Peace for the County of *Middlesex* should be in the Commission of the Peace for the said County, and qualified by Law to act as a Justice of the Peace, shall be repealed, but any Person, being a Serjeant

Serjeant or Barrister at Law of not less than Ten Years standing, may, in the Cases and with the Allowance and in the Manner therein mentioned, be appointed such Deputy.

As to Powers of Court of Quarter or General Sessions for Middlesex for dividing such Sessions.

When Power exercised the Assistant Judge to appoint a Deputy to preside as Chairman with the Justices appointed to sit apart.

XV. The Court of Quarter or General Sessions or Adjourned Session of the Peace for the County of *Middlesex* shall possess the same Powers for dividing such Court of Quarter or General or Adjourned Sessions as are now possessed by the Courts of Quarter and General and Adjourned Sessions of the Peace in Counties in which there is an Order in force for the Appointment of a permanent Chairman and Deputy Chairman; and whensoever such Court shall exercise such Power the Assistant Judge shall appoint a Person qualified to act as Deputy Assistant Judge to preside as Chairman with the Justices who shall be appointed to sit apart: Provided always, that the Name of the Person who shall be so appointed shall at some previous Time have been transmitted to and approved of by One of Her Majesty's Principal Secretaries of State as a fit and proper Person to be from Time to Time appointed as such Deputy Assistant Judge.

Presence of One of the Justices so set apart not essential to Formation of Court.

XVI. The Presence of One of the Justices so as aforesaid set apart shall not be essential to the Formation of the Court in which such Deputy Assistant Judge shall preside, but the Jurisdiction of such Justices shall not be in any way lessened by such Appointment.

So much of 9 G. 4. c. 43. and 6 & 7 W. 4. c. 12. as exempts Middlesex repealed.

XVII. So much of an Act of the Ninth Year of King *George* the Fourth, Chapter Forty-three, and of an Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Twelve, as enacts that nothing therein contained shall extend to the County of *Middlesex*, shall be repealed, and the said Acts shall be construed and take effect as if the County of *Middlesex* had not been excepted from the Operation thereof.

11 & 12 Vict. cc. 42. & 43.

By whom Warrants to be backed in

XVIII. And whereas by Section Thirteen of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-two, Provision is made for indorsing such Warrants as therein mentioned by any Officer within any of the Isles of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders, and other Provisions are made in the same Act, and in the Act of the same Year of Her Majesty, Chapter Forty-three, by reference to the Enactment of the said Section, and Doubts have arisen by whom Warrants should be indorsed in the said Isles pursuant to the said Provisions: Be it enacted, That the Bailiffs of *Jersey* and *Guernsey* respectively, or in their respective Absence

Absence the Lieutenant Bailiffs of such Islands respectively, within their respective Bailiwicks or Jurisdictions, the Judge of *Alderney*, or in his Absence any Jurat of such Island within such Island, and the Seneschal of *Sark*, or in his Absence his Deputy within such Island, shall have all such Power and Authority to indorse Warrants as by the said Acts respectively is given or expressed or intended to be given to any Officer within any of such Isles having Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders, and for such Purpose shall have Authority to administer an Oath, and all the Provisions of the said Acts shall be construed as if the Officers authorized to indorse Warrants by this Enactment had been so authorized by the said Section of the first-mentioned Act of the Eleventh and Twelfth Years of Her Majesty.

the Channel Islands.

XIX. Whenever any Justice or Justices of the Peace, or Coroner, acting for any County of a City or County of a Town Corporate within which Her Majesty has not been pleased for Five Years next before the passing of this Act to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed, and until Her Majesty shall be pleased to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed within the same, shall commit for safe Custody to the Gaol or House of Correction of such County of a City or Town any Person charged with any Offence committed within the Limits of such County of a City or Town not triable at the Court of Quarter Sessions of the said County of a City or County of a Town, the Commitment shall specify that such Person is committed pursuant to this Act, and the Recognizances to appear to prosecute and give Evidence taken by such Justice, Justices, or Coroner shall in all such Cases be conditioned for Appearance, Prosecution, and giving Evidence at the Court of Oyer and Terminer and Gaol Delivery for the next adjoining County; and whenever any such Person shall be so committed, the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize for such next adjoining County a Calendar of all Prisoners in his Custody so committed, in the same way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of such adjoining County; and the Justice, Justices, or Coroner by whom Persons charged as aforesaid may be committed, shall deliver or cause to be delivered to the proper Officer of the Court the several Examinations, Informations, Evidence, Recognizances, and Inquisitions relative to such Persons at the Time and in the Manner that would be required in case such Persons had been committed to the Gaol of such adjoining County by a Justice or Justices, or Coroner, having Authority so to commit, and the same

In certain Counties of Cities and Towns Prisoners may be committed, and tried at Assizes held for adjoining County.

same Proceedings shall and may be had thereupon at the Sessions of Oyer and Terminer or General Gaol Delivery for such adjoining County as in the Case of Persons charged with Offences of the like Nature committed within such County.

Justices to declare when Gaols or Houses of Correction are fit Prisons for Persons committed for Trial.

XX. It shall be lawful for the Justices of the Peace, at their General or Quarter Sessions for any County, Riding, or Division, by Order made for that Purpose, to declare that any Gaol or House of Correction for such County, Riding, or Division is a fit Prison for Persons committed for Trial at the Assizes for such County, or for the County of such Riding or Division; and every such Order shall be signed by the Chairman of such Sessions, and transmitted to One of Her Majesty's Principal Secretaries of State; and in case such Secretary of State see fit to approve such Order, then, after the Approval thereof under the Hand of such Secretary of State, it shall be lawful for any Justice or Justices of the Peace, or Coroner, acting for such County, Riding, or Division, to commit for safe Custody for Trial at the next Assizes, to such Gaol or House of Correction, any Person charged with any Offence triable at the Assizes for such County, or for the County of such Riding or Division; and the Commitment shall specify that such Person is committed under the Authority of this Act; and the Recognizances to appear to prosecute and give Evidence taken by such Justice, Justices, or Coroner shall in all such Cases be conditioned for Appearance, Prosecution, and giving Evidence at the Court of Oyer and Terminer and Gaol Delivery for the County; and the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize a Calendar of all Prisoners in Custody for Trial at such Assizes, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of such County; and the Justice, Justices, or Coroner by whom Persons charged as aforesaid may be committed shall deliver or cause to be delivered to the proper Officer of the Court of Assize the several Examinations, Informations, Evidence, Recognizances, and Inquisitions relative to such Persons at the Time and in the Manner that would be required in case such Persons had been committed for Trial as aforesaid to such Common Gaol, and the same Proceedings shall and may be had thereupon at the Sessions of Oyer and Terminer or General Gaol Delivery for such County as in the Case of Persons so committed to such Common Gaol.

Prisoners so committed to be removed to County

XXI. All Persons who may under the Authority of this Act be committed to the Gaol or House of Correction of any County of a City or County of a Town Corporate for Trial at the Assizes to be holden for

for the next adjoining County, or to any Gaol (other than the Common Gaol of the County) or House of Correction for any County, Riding, or Division for Trial at the Assizes for such County, or for the County of such Riding or Division, shall in due Time, without Writ of Habeas corpus or other Writ for that Purpose, be removed by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of such County, in order that they may be tried at the Assizes to be holden for such County, and such Removal shall not be deemed or taken to be an Escape.

Gaol previous to Trial.

XXII. Every Prisoner so removed shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he may have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in the County Gaol, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding he may in effecting such Removal have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County to the Common Gaol of which he is removed into or through any other County or Division of a County; and no Action or other Proceeding shall or may be maintained by such Prisoner, or by any other Person, against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner is removed, or against the Gaoler or Keeper of the Common Gaol of the County, by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of such County of a City or Town, County, Riding, or Division, from the Gaol or House of Correction of which such Prisoner is removed, into any other Jurisdiction, or out of such County to the Common Gaol of which he is removed into or through any other County or Division of a County.

Prisoners while under Removal to be deemed in proper legal Custody.

XXIII. All the Provisions of the Act of the Fifty-first Year of King *George* the Third, Chapter One hundred, applicable to Convictions in pursuance of the Provisions of the Act of the Thirty-eighth Year of King *George* the Third, Chapter Fifty-two, and to the Execution of the Sentences passed upon any Convicts on such Convictions, and all the Provisions of the said Acts respectively concerning the Payment of Expenses, shall be applicable in all Cases of Persons who may be tried in or removed for Trial to any adjoining County in pursuance of the Provisions of this Act, in like Manner as in

The Provisions of 38 G. 3. c. 52. and 51 G. 3. c. 100. as to Execution of Sentences, and as to Costs, extended to this Act.

in Cases of Persons tried in or removed for Trial to any adjoining County in pursuance of the Provisions of the said Act of the Thirty-eighth Year of King *George* the Third.

What to be deemed the next adjoining County.

XXIV. For the Purposes of this Act the Counties named in the Second Column of Schedule (C.) to the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, shall be considered next adjoining the Counties of Cities and Towns Corporate in the First Column of the same Schedule in conjunction with which they are respectively named.

Extent of Act.

XXV. This Act shall not extend to *Ireland* or to *Scotland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

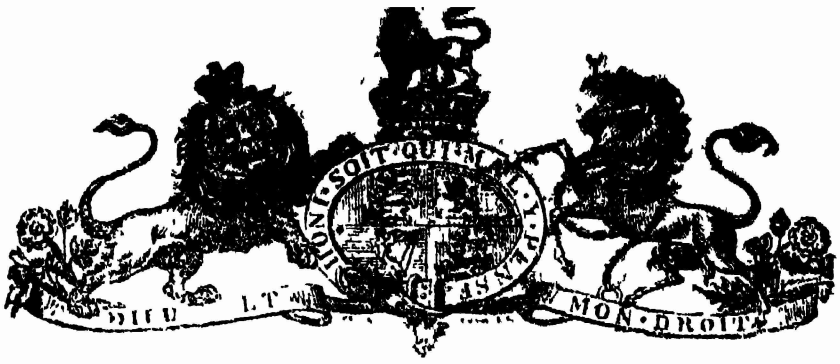
Courts, &c. already held and not avoided, &c. to be considered as having taken place after proper Notices served.

I. That every such Court, Board, or Meeting, the Acts whereof have not already been avoided or annulled by some Court of Law or Equity, nor are now the Subject of some Action, Suit, or other Proceeding for the Avoidance or annulling thereof now pending in some Court of Law or Equity, nor have been avoided or annulled by some subsequent regular Court, Board, or Meeting (as the Case may be) of any such Institution as aforesaid, and every such Election as aforesaid which hath not already been avoided or annulled nor brought into Litigation as aforesaid, nor avoided or annulled by some subsequent regular Election to the same Office or Benefit, shall be considered to have taken place respectively after sufficient Notice duly served on all Persons who ought to have had Notice thereof.

After passing of this Act all Notices may be sent by Post, &c.

II. That from and after the passing of this Act all Notices to the Governors or Members of or Subscribers to any present or future charitable Institution in *England*, whether incorporated or not, which by the Charter, Statutes, Laws, or Rules (as the Case may be) of such Institution for the Time being are or shall be required to be given, may be served by the same being transmitted through the Post, directed according to the Address given in the List of the Governors or Members of or Subscribers to such Institution for the Time being in use at the chief Establishment thereof, in such Time as to admit of their Delivery in the due Course of Delivery by Post at or before such Period (if any) as is or shall be prescribed by the Charter, Statutes, Laws, or Rules (as the Case may be) for the Time being of such Institution for the giving of such Notices; and in proving such Service it shall be sufficient to prove that such Notice was so directed as aforesaid, and put into a General Post Office in such Time as aforesaid; but so nevertheless that nothing in this Act contained shall be held to render invalid any personal Service of any Notice, or to render necessary to the effectual Service of any Notice any further Act, Matter, or Thing than would have been required for the Service thereof by the Charter, Statutes, Laws, or Rules for the Time being of the Institution which the same shall concern if this Act had not passed; and that no Notice of any intended Court, Board, Meeting, or Election shall be required to be served, either by Post or otherwise, on any Governor or Member of or Subscriber to any such Institution who shall not for the Time being be within the United Kingdom, anything in any such Charter, Statutes, Laws, or Rules to the contrary notwithstanding.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. LVII.

An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors. [1st *August* 1851.]

WHEREAS the Recovery of Small Debts by Civil Bill has been found beneficial to the Queen's Subjects in *Ireland*: And whereas it would conduce to the Improvement of the Administration of Justice there if the several Statutes and Parts of Statutes relating to the Recovery of Small Debts by Civil Bill, and of Tenements by Civil Bill Ejectments, and relating in other respects to the Jurisdiction of the Civil Bill Courts, were consolidated, with such Additions and Alterations as herein-after contained, and that the existing Acts relating to the said Matters should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Acts and Parts of Acts repealed.

I. From and after the Commencement of this Act the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts

and

and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be and they are hereby repealed, except as to anything heretofore done, and except so far as any of the said Acts or Parts of Acts, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act upon any Proceeding by Civil Bill before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Chairman of the County of Dublin.

The present Chairman to continue in Office.

Assistant Barristers.

Appointment of Assistant Barristers, including an Assistant Barrister (in future) for the County of Dublin.

II. The Person now holding the Office of Chairman of the Sessions of the Peace for the County of *Dublin* shall continue to hold the said Office as he heretofore has held the same; and that every Assistant Barrister already appointed for any County or Riding shall continue to hold his Office under and by force of this Act, and shall hold the same during good Behaviour, and no longer; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, on the Death, Resignation, or Removal of the Chairman of the Sessions of the Peace for the County of *Dublin*, or of any Assistant Barrister already appointed or hereafter to be appointed, to nominate and appoint to the Office of Assistant Barrister for the said County of *Dublin* (in the Place and Stead of a Chairman of the Sessions of the Peace for the said County), and for each and every other County and Riding, a practising Barrister at Law of Ten Years standing at the least, who shall have actually practised Ten Years in Her Majesty's Superior Courts in *Dublin*, and shall not at the Time of his Appointment to such Office have retired from such Practice; and that every Assistant Barrister hereafter to be appointed, including every Assistant Barrister to be appointed for the said County of *Dublin*, shall also hold his Office during good Behaviour, and no longer; Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, to remove any such Assistant Barrister from his Office upon the Address of both Houses of Parliament; and the said Chairman and every Assistant Barrister shall be sole Judge of the Civil Bill Court to be holden under this Act, and shall be *ipso facto* in the Commission of the Peace, and a Justice of the Peace for the County for which or for any Riding of which he shall be so appointed, even though no Commission should be issued for the Purpose, and shall duly attend at every Session of the Peace and Adjournment thereof holden in such County or Riding, and shall continue such Attendance during the whole of every Session and every Adjournment thereof, save and except such Sessions or Adjournments as shall be held for any other Purpose than the Administration

tration of Justice in Criminal Cases, and the hearing of Causes in manner herein mentioned by Civil Bill, and shall by virtue of his Office be and preside as Chairman of the Justices at General or Quarter Sessions, and it shall and may be lawful for such Chairman and Assistant Barrister to proceed in the criminal or other Business at such Sessions, although no other Justice of the Peace for the County, Riding, or Place shall be in attendance: Provided also, that no Person holding the said Office of Assistant Barrister shall be capable of being a Member of the House of Commons in the present or any future Parliament.

Assistant Barristers.

III. No Assistant Barrister already appointed, if removed to any other County or Riding, nor any Assistant Barrister hereafter to be appointed, shall proceed to act as Assistant Barrister until he shall have first taken the following Oath before the Lord High Chancellor or Keeper or any Commissioner of the Great Seal of *Ireland* for the Time being; which Oath the said Chancellor, Keeper, or Commissioner is hereby empowered to administer; that is to say,

Oath of Chairman, &c.

Assistant Barristers to take the following Oath before Lord Chancellor before they act.

Oath.

'I *A.B.* do swear, That I will execute the Office of Assistant Barrister for the County of [*or* Riding of the County of], and for any other County or Riding to which I may be hereafter appointed, diligently, justly, and impartially, and without Favour, Affection, or Malice, do equal Right to all the Queen's Subjects that shall come within my Jurisdiction, and that I will in all things, to the best of my Skill and Power, faithfully execute all the Duties imposed or that shall hereafter be imposed on me in virtue of such Office.

'So help me GOD.'

Provided always, that any Assistant Barrister who shall have once taken the said Oath shall not be obliged to repeat the same on any subsequent Removal to any County or Riding.

IV. From and after the Commencement of this Act the Chairman of the Sessions of the Peace for the County of *Dublin*, and the several Assistant Barristers already appointed, and hereafter to be appointed, as aforesaid, shall (over and above the annual Sums payable to him and them in respect of the Registration or Revision of the Lists of Parliamentary Voters) severally and respectively receive the annual Salaries mentioned and specified, relating to them respectively, in the Schedule (B.) to this Act annexed, in lieu of his and their former Salaries and Fees, the said several Salaries to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* by Four quarterly Payments on the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of *September*, and Twenty-fifth Day of *December* in each and every Year, the First Payment

Salaries and Pensions.

Salaries to Chairman of Sessions of the Peace for County of Dublin and Assistant Barristers.

Salaries and Pensions.

Payment thereof to be made on the quarterly Day of Payment which shall next ensue after the Commencement of this Act.

Provision for granting an Annuity to Chairman of County of Dublin of 500*l.* a Year. To Assistant Barrister 400*l.* a Year.

V. It shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Letters Patent under the Great Seal of *Ireland*, to give and grant to the Person who now executes the Office of Chairman of the Sessions of the Peace of the County of *Dublin*, if he shall resign the same, an Annuity or yearly Sum not exceeding the Sum of Five hundred Pounds Sterling, and to any Person who shall have executed the Office of Assistant Barrister, and who shall have resigned the same, an Annuity or yearly Sum not exceeding the Sum of Four hundred Pounds Sterling, the said several Annuities or yearly Sums to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that no such Annuity or yearly Sum of Money granted to the Person who now executes the Office of Chairman of the Sessions of the Peace of the County of *Dublin*, or to any Assistant Barrister, shall be valid, unless he shall have continued in Office Twenty Years, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant: Provided also, that the said Annuity to the Person now holding the Office of Chairman of the Sessions of the Peace of the County of *Dublin* may be granted to such Chairman when the Period of his Service as such Chairman, together with the Period of his Service as Assistant Barrister, previous to his Appointment as such Chairman, shall together amount to a Period of Twenty Years or upwards.

Conditions on which such Grant shall be valid.

Power to Lord Lieutenant to remove Assistant Barristers to other Counties with their Assent.

VI. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Consent of the Privy Council in *Ireland*, to remove any Assistant Barrister from any County or Riding to any other County or Riding, to act therein as Assistant Barrister: Provided always, that no such Removal shall take place without the Assent of such Assistant Barrister.

Deputy Chairman or Assistant Barristers during Absence.

When it appears to Lord Chancellor, upon Oath, that the Chairman or any Assistant Barrister is unable to

VII. And whereas it may sometimes happen that the Chairman of the Sessions of the Peace for the County of *Dublin*, or an Assistant Barrister, may, by reason of Sickness or other necessary Cause of Absence, be unable to attend at the Session of the Peace or Adjournment thereof, and to hold the said Court for hearing and determining Causes by Civil Bill as aforesaid, or to continue such Attendance thereat: Be it therefore enacted, That when it shall appear to the Lord High Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, upon Oath before any Justice of the Peace, that the said Chairman or any Assistant Barrister is unable to attend at the Time appointed for any Session of the Peace in any County

County or Riding, or at any Adjournment thereof, or to continue his Attendance thereat as aforesaid, it shall and may be lawful for the Lord Chancellor, Keeper or any Commissioner of the Great Seal, for the Time being, to nominate or appoint some other Barrister of Ten Years standing at the least, and who shall not have retired from Practice, to do and execute the Duty of such Chairman or Assistant Barrister for such Time as such Illness or Absence shall continue; and every Person appointed under this Act to do and execute the Duty of Chairman or Assistant Barrister during the Absence or Non-attendance of such Chairman or Assistant Barrister shall, before he shall enter on the Duties of the said Office, take the Oath herein-before required to be taken by such Chairman or Assistant Barrister respectively, *mutatis mutandis*, either before such Chancellor, Keeper or Commissioner, or publicly in open Court at the Sessions of the Peace or Adjournment thereof on the First Day on which he shall attend at any Session or Adjournment thereof, (and which Oath the Clerk of the Peace or his Deputy is hereby authorized and required in such Case to administer,) to execute such Duty, and shall have all and every the Powers and Authorities given to such Chairman or Assistant Barrister by this and any other Act or Acts of Parliament, and be authorized in every respect to do and execute, during the Continuance of such Absence, and no longer, every Matter and Thing which such Chairman or Assistant Barrister might himself lawfully do if personally present.

attend, he may appoint another of Ten Years standing to do his Duty, who shall take the Oath before required, and shall be invested with all Powers of Chairman or Assistant Barrister during his Absence.

VIII. And whereas it may happen that such Illness or Cause of Absence may occur so suddenly as that there may not be sufficient Time to give Notice thereof to the Chancellor, Keeper or Commissioner of the Great Seal, and to have a Person appointed to do the Duty of the said Chairman or Assistant Barrister at such Sessions, or after having opened the Sessions the Chairman or Assistant Barrister may be prevented by Illness or other Cause from continuing his Attendance thereat: Be it enacted, That in case it shall so happen that the Chairman or any Assistant Barrister shall not be in attendance to open such Sessions on the Day appointed for opening the same, or after having opened the same shall not continue his Attendance until the Business of such Sessions shall be completed, it shall and may be lawful for any One Justice of the Peace for the County, or for the Clerk of the Peace or his Deputy, or in the County of *Dublin* for the Registrar of the Chairman, so long as the said Chairman shall continue to hold Office, in the Absence of any Justice at the Hour of Five o'Clock in the Afternoon, and not before that Hour, to open and adjourn, or to adjourn only, as the Case may be, such Sessions, and so from Time to Time and for such reasonable Time as shall be sufficient for such Chancellor, Keeper or Commissioner, to be informed

In case of Absence of Chairman or Assistant Barrister, Sessions may be adjourned by One Justice, or by Registrar or Clerk of Peace, until Deputy arrives.

Deputy Chairman or Assistant Barristers during Absence.

of such Illness or Absence, and to appoint some Person to do the said Duty, and for such Person to repair to the Place where such Sessions should be held, and take upon himself the Execution of such Duty.

Persons appointed during Absence of Chairman or Assistant Barrister to be paid so much as Lord Chancellor shall think fit, out of Salary.

IX. Every Person appointed under this Act during the Illness or Absence of the said Chairman or of any Assistant Barrister to do and execute the Duty of such Chairman or Assistant Barrister for him shall receive and be paid such Compensation for his Labour and Trouble therein as the Lord Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, shall think fit to direct and appoint, the same to be paid out of the Salary hereby provided for such Chairman or Assistant Barrister who shall so be absent.

Clerks of the Peace.

Clerks of the Peace to act as Clerks to Assistant Barristers and as Registrars;

To keep Registry Books as Records.

Penalty on Clerk of the Peace acting as an Attorney in Causes before Assistant Barristers, 50*l.*

X. The Clerks of the Peace for the several Counties respectively, or their sufficient Deputies, shall be and are hereby required to act as Clerks to the said Assistant Barristers respectively in the Execution of the Duty imposed on them by this Act, and as Registrars respectively of the said Court, and shall be obedient to the said Assistant Barristers respectively in all lawful Commands which they shall respectively receive from the said respective Assistant Barristers relative to the Business of the said Court, and the Duty imposed by this Act on the said Assistant Barristers and Clerks of the Peace respectively; and the said several Clerks of the Peace and their respective Deputies shall and they are hereby required to keep Books for the entering and registering of all Civil Bill Causes, and shall enter and register the same, and such Books shall be Records of the respective Counties to which they shall belong; and no Clerk of the Peace, or any Deputy or Clerk of his, or any Person for his Use or Benefit, shall act as an Attorney in any Cause which such Assistant Barristers are by this Act empowered to hear and determine; and if he, they, or any of them shall so act as an Attorney in any such Cause, by himself or any other for his Use or Benefit, he shall forfeit the Sum of Fifty Pounds to any Person who shall, within One Year after such Offence committed, sue for the same by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record in *Dublin*, and shall, moreover, in case of Judgment being had against him, be incapable of ever holding such Office of Clerk of the Peace, or Deputy Clerk of the Peace, as the Case may be.

Clerk of the Peace to make Affidavit.

XI. Every Clerk of the Peace, and every Deputy Clerk of the Peace, already appointed, at the First Sessions after the Commencement of this Act at which they shall respectively attend, and every Clerk of the Peace, and Deputy Clerk of the Peace, hereafter

hereafter to be appointed, at the First Sessions at which they shall respectively attend after their respective Appointments, and at the Commencement of such Sessions, shall and they are hereby respectively required to make and sign an Affidavit in Writing, to be attested by the Assistant Barrister of such respective County, and to be deposited in the Office of the Clerk of the Peace amongst the Records of the Court of such County, in the Form following; (that is to say,)

Clerks of the Peace.

'I *A.B.*, Clerk of the Peace [*or* Deputy], do swear, That I have not already, directly or indirectly, taken, and will not, directly or indirectly, take, so long as I shall continue to hold the Office of Clerk of the Peace [*or* Deputy], any greater or other Fee, or Sum or Sums of Money, or other Thing, for or on account of any Matter or Thing done or to be done in any Cause to be heard and determined before the Assistant Barrister of this County [*or* Riding of the County of] by Civil Bill, than is or shall be allowed by Law.'

Form of Affidavit.

XII. In case of the Death, Disability, or Absence of any Clerk of the Peace, or his Deputy, during Sessions, the Assistant Barrister shall appoint a fit and proper Person to act as Clerk of the Peace until a Clerk of the Peace, or sufficient Deputy, be duly appointed, and shall allocate a due Proportion of the Fees or Salary in remuneration of the Person so acting; and such Person so appointed shall make and sign such Affidavit as is herein-before directed to be made by the Clerk of the Peace and his Deputy.

In Case of Death of Clerk of the Peace during Sessions.

XIII. No Person shall be admitted to practise as an ney before the Chairman of the County of *Dublin*, or before any Assistant Barrister, or the Recorder of *Dublin*, in any Civil Bill Court, or at the Court of General Quarter Sessions, but such Person only who is or shall be admitted an Attorney in One of Her Majesty's Superior Courts in *Dublin*; and that no Attorney shall be suffered to practise as aforesaid in any County wherein he is or shall be a Justice of the Peace.

Attorneys.

No one to act as Attorney before Assistant Barristers unless admitted in the Superior Courts.

XIV. It shall and may be lawful for the Chairman of the County of *Dublin*, the Recorder of *Dublin*, or any Assistant Barrister, if any Attorney practising in Causes by Civil Bill shall appear to him, either upon such Chairman, Recorder, or Assistant Barrister's own View in open Court, or by Examination of others upon Oath, to have acted in any such Cause corruptly, or knowingly and wilfully against his Duty as an Attorney, to make an Order, to remain of Record with the Clerk of the Peace, suspending

Power to Assistant Barristers to suspend Attorneys acting corruptly, &c. from practising on Civil Bills.

Attorneys.

Attorneys may appeal to Judges of Assize.

pending such Attorney from practising on Civil Bills, for a given Time, in such County or Riding, which Order shall be binding: Provided nevertheless, that it shall be lawful for any Attorney against whom such Order shall be made to appeal, if such Order shall have been made in the County or County of the City of *Dublin*, to any of the Chief Judges or other Judge or Baron at Nisi Prius in *Dublin*, and if in any other County to the Judge of Assize at the Sittings or Assizes to be holden within Twelve Months after such Order made, which Judge may, by Examination on Oath, examine into the Ground of such Order, and reverse, vary, or affirm the same as he shall see Reason.

Process Officers.

Power to Assistant Barristers to appoint Officers to serve Civil Bill Processes in the several Counties and Ridings.

XV. The several Persons now holding the Office of Process Officer or Process Server in the several Counties and Ridings shall continue to hold the same as heretofore, until removed by the Chairman or Assistant Barrister of their respective Counties or Ridings; and that at the several Sessions of the Peace in and for the several Counties or Ridings which shall be holden after the passing of this Act, or at such other Times as Occasion may require, the Chairman and each and every of the Assistant Barristers shall and may, by Warrant under his Hand and Seal, from Time to Time, appoint such Number of fit and proper Persons, being Householders, residing in the principal Market Towns or in other convenient Places within the said Counties or Ridings, as to the said Chairman or Assistant Barrister shall from Time to Time appear to be necessary, to be Officers for the Service of Civil Bill Processes within such County or Riding, or within such Division of such County or Riding as shall be specified in any such Warrant, and it shall be lawful for each and every such Officer heretofore or hereafter so appointed, and he and they is and are hereby authorized and required, to serve such Process accordingly, within such County or Riding, or within such Division of such County or Riding as aforesaid; and it shall not be lawful for any Person whomsoever, other than One of such Officers so heretofore appointed or hereafter to be appointed, to serve any such Process; and that any Service or pretended Service of any Process by any other Person whomsoever (save as herein-after provided) shall be wholly null and void to all Intents and Purposes whatsoever; and that any such Officer already appointed or who shall be hereafter appointed for the Service of Process shall be removable and shall and may be removed at the Will and Pleasure of the Chairman or Assistant Barrister of the County or Riding for the Time being: Provided always, that nothing herein contained shall prevent the Service of any Process in any Proceeding by Ejectment or Replevin by any Person other than such Process Officer.

After such Appointments, no other Persons shall serve any such Process.

Service by unauthorized Persons declared void.

XVI. The

Process Officers.

Names and Places of Abode of Officers to be published in County Newspapers.

XVI. The Name and Place of Abode of each and every Officer already appointed or who shall hereafter be appointed by the said Chairman or by any Assistant Barrister to serve such Process as aforesaid, and also the Name and Place of Abode of every Person removed as aforesaid from the said Office of Process Officer, shall be published in some One or more public Newspaper or Newspapers circulated in the County or Riding, and shall be otherwise promulgated and made known in such Manner and at such Times as to such Chairman or Assistant Barrister shall seem expedient.

Annual Salary to Officers serving Processes to be paid by Collector of Excise, on Certificate of Assistant Barrister.

XVII. Every Officer already appointed or who shall hereafter be appointed by said Chairman or by any Assistant Barrister for the serving of Process shall be entitled to and shall receive a Salary of Ten Pounds a Year, to be paid quarterly, upon a Certificate, signed by the Chairman or Assistant Barrister of the County or Riding, specifying the Amount so to be paid, and stating that such Officer has duly performed the Duty of his Office to the Satisfaction of the Chairman or Assistant Barrister during the preceding Quarter, or during such Period thereof as such Person shall have so served; and upon the Production of such Certificate to the Collector of Excise for any District within which the Sessions shall be holden or within which such Officer shall reside it shall be lawful for such Collector of Excise and he is hereby required to pay to such Officer the Amount of the Sum mentioned in such Certificate; and all Monies so paid shall be allowed to the Collector of Excise in his Account, upon Production of such Certificate, endorsed by the Officer to whom such Money shall be payable.

Officers may receive certain Fees, in addition to their Salaries, for Service of Process.

XVIII. It shall be lawful for any Officer already appointed or who shall be hereafter appointed by the Chairman or any Assistant Barrister for the serving of Process, in addition to the Salary made payable under this Act, to receive a Fee of Sixpence for the Service of every Process which he shall be required to serve in Cases where there is only One Defendant or there are several Defendants residing in the same Dwelling House, and One Shilling in case of Two or more Defendants not residing in one and the same Dwelling House; and which said Sums of Sixpence or One Shilling, as the Case may be, shall be paid to such Officer on the Delivery of such Process to him for the Purpose of being served by him; and if any Person whosoever, other than One of such Officers so appointed as aforesaid, shall serve or pretend to serve any such Process (save in Ejectment or Replevin Cases), and shall receive or take any Fee or Reward for such Service, he shall be guilty of a Misdemeanor, and shall be liable to be prosecuted accordingly: Provided always, that if

Process Officers.

a Process Server of any County or Riding shall be required (as herein-after provided) to serve Process upon any Defendant residing out of the County or Riding for which he shall be acting as such Process Officer, he shall be entitled to receive a Fee of Two Shillings and Sixpence for such Service, together with his reasonable Travelling Expenses incurred in effecting such Service.

Book to be kept by Officers for entering Particulars of Service of Process.

XIX. A Book or Books shall be kept by every Officer appointed for the Service of Process, in such Form as shall be directed or approved by the Chairman or Assistant Barrister, in which shall be entered the Names of the Plaintiff and Defendant by or against whom any Process shall be issued, the Cause of Action, the Day on which such Process shall be received to be served, the Day on which such Process shall be served or executed, the Place where and the Name or Description of the Person on or with whom such Process shall be served or left, and in case any such Process shall not have been duly served or left, then the Cause of such Service not having been effected shall be stated; and each and every Process Officer shall attend, and produce such Book or Books to the Chairman or Assistant Barrister, at each and every Sessions of the Peace, or shall cause such Book or Books to be produced to such Chairman or Barrister in case of the unavoidable Absence of such Process Officer; and in case of the Death, Illness, or such Absence as aforesaid of any such Process Officer, the Book or Books of such Process Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall be produced at the Sessions, and shall there be *primâ facie* Evidence of the Truth of the several Matters entered therein as aforesaid.

Process Server's Books to be Evidence.

Interpreters.

Salary of Interpreter to be paid by Grand Jury.

XX. Whenever it shall be certified by the Assistant Barrister of any County to the Grand Jury of such County that an Interpreter is necessary at the Quarter Sessions for such County, it shall be lawful for the Grand Jury and they are hereby required to present, without any previous Application at Sessions, to be levied off such County, any Sum not exceeding Fifteen Pounds, at each Assizes, as a Salary or Payment for such Interpreter; and that it shall be lawful for any such Assistant Barrister to appoint either One Interpreter for the whole of such County or Riding of a County, or separate Interpreters for each District in which Sessions shall be holden, at his Discretion, and to direct the Salary to be presented as aforesaid to be paid among such Interpreters, if more than One shall be appointed, in such Manner as he shall think fit; and that upon a Certificate, signed by such Assistant Barrister, specifying the Amount of such Payment, being produced to the Treasurer of such County, it shall be lawful for such Treasurer and he is hereby required to pay

Assistant Barrister to appoint Interpreter or Interpreters.

pay to such Interpreter or Interpreters, after every Assizes, the Amount of the Payment mentioned in such Certificate, not exceeding in the whole the Sum presented by the Grand Jury for such Purpose; and each and every such Interpreter may be removed at the Will and Pleasure of the Assistant Barrister for the Time being, and any other Person or Persons appointed in his Place by such Assistant Barrister.

Interpreters.

Assistant Barrister may remove Interpreter.

XXI. In each Year the General or Quarter Sessions of the Peace in and for every County (save and except the County of the City of *Dublin* and the County of *Cork*) shall be held at the following Times; that is to say, the *Easter* Sessions on any of the Fourteen Days next after the Twenty-fifth Day of *March;* the Summer Sessions on any Day between the Fourth Day and the Twelfth Day next after the last Day of *Trinity* Term, both Days inclusive; the *October* Sessions on any of the Fourteen Days next after the Eighth Day of *October;* and the *Hilary* Sessions on any of the Fourteen Days next after the Twenty-sixth Day of *December;* and it shall and may be lawful for the Chairman of the County of *Dublin*, and the Assistant Barrister in each County (except the County of *Cork*), at the General or Quarter Sessions to be held in such respective County next before each *Michaelmas* Term, to fix and appoint the Times for holding the next Four General or Quarter Sessions, of which Time due Notice shall be posted by the Clerk of the Peace on or before the Fifteenth Day of *November* in each Year, and also Six Weeks before the Day of holding each such Sessions.

Times of holding Quarter Sessions.

Future Sessions to be appointed at the Sessions held before each Michaelmas Term in each Year.

XXII. The Recorder of the City of *Dublin* and the Recorder of the Borough of *Cork* shall continue to hold Courts for the hearing of Civil Bills in the Manner and at the Times that they have respectively heretofore held the same, and that nothing herein contained shall extend to affect the Power of such Recorders respectively to appoint the Time or Times for the holding of such Courts respectively; and the Recorder of the City of *Dublin* shall, in lieu of all Fees heretofore payable to him on Civil Bill Proceedings, receive the annual Sum of Two hundred and fifty Pounds, to be paid to him out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by Four quarterly Payments, on the Days heretofore appointed for Payment of the Salaries of Assistant Barristers; and the Recorder of the Borough of *Cork* shall, in lieu of all Fees heretofore payable to him on Civil Bill Proceedings, receive the annual Sum of One hundred Pounds, to be paid to him out of said Consolidated Fund by like quarterly Payments.

Recorder of Dublin and of Cork to hold Civil Court as heretofore.

Annual Payment to him in lieu of Fees.

Cork County.

XXIII. And whereas an Act was passed in the Fourth Year of His late Majesty King *George* the Fourth, intituled *An Act to divide the*

The County of Cork to

continue to be divided for the Purpose and in the Manner herein recited.

the County of Cork *for the Purpose of holding additional General Sessions therein*, whereby, after reciting that the County of *Cork* is very extensive and populous, and that it is requisite, for the due Administration of Justice within the said County, and the Preservation of the Peace therein, that General Sessions of the Peace should be holden frequently therein, it was enacted, that from and after the First Day of *September* One thousand eight hundred and twenty-three, for the Purpose of holding the General Sessions of the Peace in the said County of *Cork*, and for and in respect of all Matters relating to such General Sessions, but not for any other Purpose or in any other respect, the said County of *Cork* should be and the same was thereby declared to be divided into Two Ridings, to be called the East Riding and the West Riding of the County of *Cork;* and that the East Riding of the said County of *Cork* should comprise and contain the Baronies and the Liberties following, that is to say, the Barony of *Duhallow*, the Barony or united Baronies of *Orrery* and *Kilmore*, the Barony or united Baronies of *Condons* and *Clongibbons*, the Barony of *Fermoy*, the Barony of *Kinnatalloon*, the Barony of *Imokilly*, the Barony of *Kerry-Currihy*, the Barony of *Kinnalea*, the Barony of *Barrymore*, the Barony of *Barretts*, the Barony of *East Muskerry* (except only the Parishes of *Aheena* and *Ahabullog* within the said Barony), the Liberties of the City of *Cork*, the Liberties of *Youghal*, and the Liberties of *Kinsale;* and the West Riding of the said County of *Cork* should comprise and contain the Baronies and Parts and Divisions of the Baronies following, that is to say, the Barony of *Beer* or *Bear*, the Barony of *Bantry*, the Barony of *West Muskerry*, the Parishes of *Aheena* and *Ahabullog* in the Barony of *East Muskerry*, the Barony of *Kinalmeaky*, the Barony of *Courcies*, the Barony or united Baronies of *Ibanne* and *Barryroe* otherwise called *Barryroe* and *Ibanne* and the Baronies of *East Carberry* and *West Carberry*, consisting of the Eastern and Western Divisions of *East Carberry* and the Eastern and Western Divisions of *West Carberry;* and from and after the said First Day of *September* the said County was thereby declared to be divided accordingly for the Purposes aforesaid, and no other; provided that such Division of the said County of *Cork* for the Purposes aforesaid should not be extended nor construed to extend to change or alter, or to limit or abridge, or abolish, any Power, Authority, Jurisdiction, Right, Duty, or Privilege of any High Sheriff, Sub-Sheriff, or Under Sheriff, Justice of the Peace, or other Magistrate, Clerk of the Crown, Clerk of the Peace, or other Officer whatsoever, of or in the said County, who should at the passing of the said Act, or at any Time after the passing of the said Act, hold, exercise, or enjoy any such Office, or any other Civil Office whatever within the said County of *Cork*, but that all the

the Powers, Authorities, Jurisdictions, Rights, Duties, and Privileges of such Officers should continue in force and be exercised and carried into effect throughout the said County of *Cork* in like Manner, to all Intents and Purposes whatsoever, as if the said Act had not been had or made, except only so far as it was expressly provided and directed by the said Act: Now be it enacted, That the said County of *Cork* shall be deemed to have been from the said First Day of *September* One thousand eight hundred and twenty-three, and shall from and after the passing of this Act continue to be, until altered as herein-after provided, for the Purposes aforesaid, and none other, divided in such Manner and Form, and under such Regulations, Conditions, and Provisions, as hereby above recited and herein set forth as aforesaid: Provided always, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, at any Time, and so from Time to Time, by and with the Advice and Consent of the Privy Council, to alter the Boundaries or Divisions of the said Two Ridings now existing or hereafter to exist, and to direct that such Ridings shall comprise and contain such Baronies, or Parts or Divisions of Baronies, as to him, with such Advice, shall seem fit, and to direct that such new Boundaries or Divisions shall become and be the Boundaries of the said Two Ridings; and from thenceforth the Boundaries herein-before provided of the said Two Ridings shall cease, and the said Two Ridings shall thenceforth contain and comprise the several Baronies and Parts and Divisions of Baronies so ordered and directed as aforesaid, subject to the several Regulations, Conditions, and Provisions herein-before set forth.

Cork County.

Lord Lieutenant may alter Boundaries.

XXIV. Five General Sessions of the Peace shall be holden in the course of every Year in each of the said Ridings of the County of *Cork* so constituted and hereby continued, so that One General Session shall be holden in every Month, excepting in the Two Months in which the General Assizes shall be holden for the County of *Cork* at large; and that such General Sessions shall be holden alternately in the East Riding and in the West Riding of the said County, and at such Times that there shall, if possible, be One Week between the End of the Session in One of the said Ridings and the Beginning of the ensuing Session in the other of the said Ridings; and that a General Sessions for the said East Riding shall be held as soon as may be in the Month of *September* in each Year, and that a General Sessions for the said West Riding shall be held in the Month of *October* in each Year, and that the subsequent General Sessions of the Peace shall be holden alternately in the said East and West Ridings, and so from Year to Year in the like Order: Provided always, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the

Five General Sessions shall be holden in every Year, alternately, in the East and West Riding.

Lord Lieutenant may order that

Four General Sessions, and no more, in each Year, shall be held in each of the Divisions of the County of Cork.

the Time being, at any Time, by and with the Advice and Consent of the Privy Council, to order and direct that Four General Sessions of the Peace, and no more, shall thenceforth be holden in each of the said Ridings of the said County of *Cork* in each Year, for the Discharge of all such Criminal and other Business as may be determinable at General or Quarter Sessions of the Peace, or in a Civil Bill Court, in place and stead of the said Five General Sessions of the Peace so herein-before appointed, and to order and direct that the same shall be holden at such Times and Places and in such Manner, in each of the said Ridings, as to the said Lord Lieutenant or other Chief Governor or Governors, with such Advice as aforesaid, shall seem fit, and also to direct and appoint the Manner of making known the Periods at which the same shall be holden; and from thenceforth the several Provisions herein-before contained for holding Five General Sessions of the Peace in and for the said County, and for regulating the Times of holding the same, shall cease and determine, and all the Criminal and other Business of the General Sessions of the Peace and of the Civil Bill Courts in and for the said several Ridings of the said County shall thenceforth be heard and determined at the said Four General Sessions of the Peace so to be appointed as aforesaid.

Power to Lord Lieutenant and Council to divide Counties into Ridings.

XXV. And whereas, from the Extent and Population of certain Counties, it may be expedient that they should be hereafter divided into Two Ridings or Districts for the Purpose of holding Sessions therein: Be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of the Privy Council, on an Application made by the Magistrates of the County, at a Meeting of such Magistrates duly convened by the Lieutenant of such County, to order and direct that any County in *Ireland* shall be divided into Two Ridings or Districts, for the Purpose of holding Sessions therein, and to direct and appoint what Baronies or Half Baronies or other Portions of Land shall be contained in each of such Ridings, and to order and direct that General Quarter Sessions shall be holden in and for such Ridings respectively, and at such Time and Times and in such Towns or Places as shall be deemed most expedient for that Purpose.

Power to appoint Assistant Barrister for such Ridings, and providing for Payment of Salaries.

XXVI. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to nominate and appoint a practising Barrister at Law, of Ten Years standing at the least, and who shall have actually practised Ten Years, and shall not at the Time of his Appointment have retired from Practice in Her Majesty's Courts of Law in *Dublin*, to act as an Assistant to the Justices at the several Sessions of the Peace and Adjournments thereof to be holden under this Act for each of the Ridings of the Counties so divided

divided as aforesaid, and that the said respective Assistant Barristers shall have all such Powers, Jurisdiction, and Authority in and for such respective Ridings for which they shall be respectively appointed as any Assistant Barrister can or may have in and for any County in *Ireland;* and it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and declare that each of such Assistant Barristers so appointed for such Ridings as aforesaid shall receive and be paid such One of the several yearly Salaries as are herein provided for Assistant Barristers mentioned in the Class 2. or Class 3. in the Schedule (B.) to this Act annexed, as to the said Lord Lieutenant shall seem meet.

Cork County.

XXVII. For the Purpose of holding the said General Sessions of the Peace, and of all Matters connected with or relating to such General Sessions, the said Two Ridings of the County of *Cork*, and the Two Ridings of any other County which shall be hereafter divided under this Act, shall be distinct and separate Counties, and shall be deemed and considered and shall be distinguished as such (as regards the County of *Cork*) by the Names and Descriptions of *Cork* County, East Riding, and *Cork* County, West Riding, and so in every other County which shall be hereafter divided, by the Names of the respective Ridings, in all Warrants, Processes, and Proceedings relative to any Matters determinable at any such General Sessions respectively; and that all such Matters and Causes shall be heard, tried, and determined, and all such Proceedings shall be had and done, at such General Sessions, for each of such Ridings respectively, for and in respect of Matters arising within the said Ridings respectively, as might have been heard, tried, determined, had, or done at any General or Quarter Session of the Peace for the County of *Cork*, or such other Counties as shall be hereafter divided, under any Act or Acts, or Law or Laws in force immediately before the passing of this Act, for and in respect of Matters arising within the said respective County at large; and that no Process, Plea, or Proceeding, nor any Cause, Matter, or Thing whatever, shall be removed or removable, or transferred or transferrable, from any General Session to be holden in any One of such Ridings to any General Session holden in any other of such Ridings; and no Decree or other Order or Proceeding at any General Session to be holden in any of such Ridings shall be of any Validity, Force, or Effect, nor shall or may be executed or be enforced or put in execution, in any other of such Ridings, otherwise than if the said respective Ridings were Two distinct and separate Counties; and any and every Person who shall be charged in any of such respective Ridings with any Offence cognizable at the General Sessions shall be held to Bail, and shall be arraigned and tried, in that Riding only in which the Offence shall be charged or alleged

In all Processes County shall be distinguished by Cork County, East Riding, and Cork County, West Riding.

No Process removable from One Riding to the other.

Cork County.

alleged or supposed to have been committed; and all Justices of the Peace and Magistrates shall and they are hereby authorized and required to return any Informations for Offences taken before them, and returnable to the General Sessions, to such Sessions to be holden within the Riding in which such Offence shall be charged or alleged or supposed to have been committed.

The Two Assistant Barristers to settle the Time of holding the several alternate Sessions, &c.

XXVIII. The several Days to be from Time to Time appointed for commencing and holding the several alternate General Sessions of the Peace in the East and West Ridings of the said County of *Cork*, pursuant to the Directions of this Act, shall be from Time to Time ascertained and settled by the Two Assistant Barristers for the said Ridings, in concert with each other, but so as to provide as far as possible that the said Sessions shall not be holden at the same Times as the Assizes for the County; and so in every other County that shall be hereafter divided under this Act; and due Notice of the Times for holding such Sessions shall be posted by the Clerk of the Peace on or before the last Day of the preceding Sessions for each of the said respective Ridings.

Grand Jury of County of Cork to provide for Salaries of Criers at Sessions.

XXIX. It shall and may be lawful for the Grand Jury of the County of *Cork*, and for the respective Grand Juries of the several Counties which shall be hereafter divided under this Act, and such Grand Juries are hereby respectively required to present, to be raised (as regards the County of *Cork*) off the respective Portions of the said County of *Cork* constituting the East Riding and West Riding of the said County, and so in any other County which shall be so divided, Two several Sums not exceeding Twenty-five Pounds yearly, as regards the County of *Cork*, and not exceeding Twenty Pounds yearly, as regards any other County, to be paid by half-yearly Payments, as and for the Salary of each of the Criers at Sessions in such Two Ridings.

Divisions and Sessional Towns.

Existing Divisions and Sessional Towns to be continued until altered.

XXX. From and after the Commencement of this Act the several Districts or Divisions of the several Counties and Ridings, and the several Towns and Places within such Districts or Divisions respectively, appointed under and by virtue of the Provisions of the several Acts heretofore in force and relating to the Jurisdiction of the Civil Bill Courts, for the Purpose of holding Sessions therein, and wherein such Sessions respectively have been heretofore held, shall be and shall continue to be the Districts or Divisions, and the Towns and Places respectively within such Districts or Divisions, for holding of Sessions for hearing and determining Causes by Civil Bill, and for transacting all such criminal and all such other Business as may be determinable at any General or Quarter Sessions of the Peace.

Peace, until the same or any of them are or shall be altered in the Manner herein-after provided.

Powers to alter Divisions.

Power to alter existing Divisions, and appoint additional Places for holding Sessions.

XXXI. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, by and with the Consent and Advice of the Privy Council, to alter the Divisions and Districts for the holding of Sessions in any County or Riding now existing or hereafter to exist, and to divide the several Counties or any of them, or any Riding or Division of a County, including all Counties of Cities and Counties of Towns, Boroughs, Towns, and Places, into as many Divisions or Districts as shall be thought proper or expedient for the Purpose of more conveniently hearing and determining Causes by Civil Bill, and of transacting all such criminal or all such other Business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint One or more convenient Town or Place, Towns or Places, in any such Division or District, in which a Civil Bill Court, and a Court for transacting such criminal and other Business as aforesaid, or a Civil Bill Court only for hearing and determining Causes by Civil Bill, shall be held, and from Time to Time to alter any such Division or District, or any Town and Place, Towns or Places, within such Division or District, or to discontinue any such Town or Place, as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Advice aforesaid, shall seem fit; and every such Division or District shall be distinguished by the Name of such Town or Place; and every such Sessions, and Adjournment thereof, shall be good and effectual for the Administration of criminal Business and Civil Bill Cases, and doing all other Business that may by Law be done at the General Quarter Sessions of the Peace, or for hearing and determining Causes by Civil Bill only, as the Case may be; and in case of any Town or Place being so discontinued as aforesaid the same shall thereupon cease to be a Town or Place for the holding of Sessions therein for any Purpose whatsoever.

Lord Lieutenant may direct Sessions to be held Four Times in every Year in any Town.

XXXII. From and after the passing of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court, or a Civil Bill Court only, shall be held any Number of Times not exceeding Four Times in every Year in all or any of the Towns or Places now appointed or which may hereafter be appointed for holding Sessions, and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall

 nominate

nominate and appoint the Baronies or Half Baronies or Parishes for which respectively such Sessions shall be held.

Jurisdiction in Counties of Cities and Towns.

Assistant Barrister for the East Riding of the County of Cork shall try Causes in the City of Cork.

XXXIII. The Assistant Barrister now appointed or hereafter to be appointed for the East Riding of the County of *Cork* shall hear and determine Causes by Civil Bill in and for the County of the City of *Cork*, in Cases where the Defendant or One of the Defendants in the Cause shall reside within the County of the said City, at the several Sessions of the Peace, or Adjournments thereof, for the County of *Cork*, to be held at *Cork;* and that such Assistant Barrister shall at the same Time hold such Court as aforesaid for the hearing of such Causes by Civil Bill for One Division of the County of *Cork;* and that the City of *Cork* shall be deemed and taken, for the Purposes of this Act only, as a Town within One Division of the said East Riding of the County of *Cork*.

Assistant Barristers of certain Counties to have Jurisdiction in certain Cities and Towns.

XXXIV. The respective Assistant Barristers for the Time being of the Counties herein-after mentioned shall have Jurisdiction by Civil Bill in and for the respective Counties of Cities, Counties of Towns, Cities, and Towns herein-after named, as fully as they respectively have in and for their respective Counties; that is to say, the Assistant Barrister of the County of *Waterford*, in and for the County of the City of *Waterford;* the Assistant Barrister for the County of *Limerick*, in and for the County of the City of *Limerick;* the Assistant Barrister for the County of *Kilkenny*, in and for the County of the City of *Kilkenny;* the Assistant Barrister for the County of *Antrim*, in and for the County of the Town of *Carrickfergus;* the Assistant Barrister for the County of *Galway*, in and for the County of the Town of *Galway;* the Assistant Barrister for the County of *Louth*, in and for the County of the Town of *Drogheda;* and each and every of the said several Counties of Cities and Counties of Towns shall be deemed and taken, for the Purposes of this Act only, as a Town within One Division of the said several and respective Counties at large.

Jurisdiction in ordinary Cases.

What Actions Assistant Barristers may hear and determine to the Amount of 40*l.*

XXXV. From and after the Commencement of this Act it shall and may be lawful for each and every Assistant Barrister to hear and determine by Civil Bill all Disputes and Differences between Party and Party for any Sum, Damages, or Penalty, not exceeding Forty Pounds Sterling, in all Cases whatsoever (Slander, Libel, Breach of Promise of Marriage, and Criminal Conversation with a Man's Wife, only excepted), and for any ascertained and unpaid Balance, not exceeding Forty Pounds, of a Partnership Account, and also in all Actions by Civil Bill under any Act or Acts

Acts of Parliament now in force in *Ireland*, and not hereby repealed, giving a Remedy by Civil Bill in any particular Cases, to the Extent and pursuant to the Provisions of the said Act or Acts respectively: Provided always, that the several Assistant Barristers may award Interest in all Cases where in Equity Interest ought to be decreed, so that the Debt or Damages and Interest shall not together exceed the Amount of the Jurisdiction, according to the Nature of the Case.

Jurisdiction in ordinary Cases.

XXXVI. No Cause of Action in the whole amounting to a Sum beyond such Sum as is made recoverable by force of this Act shall be split or divided so as to be made the Ground of Two or more different Actions, in order to bring such Cases within the Jurisdiction of this Act, but if any of the said Assistant Barristers shall find that the Plaintiff in such Cause shall have split his Cause of Action as aforesaid, he shall dismiss every such Action, with the ordinary Costs of a Dismiss, without Prejudice however to the Plaintiff's proceeding to sue upon such Cause of Action in any other Court, and in such other Manner as he lawfully may: Provided also, that if such Plaintiff shall be satisfied to recover such Sum as the Jurisdiction hereby conferred is made to extend to, in full of the whole of such his Demand, then such Assistant Barrister shall and may, if such Plaintiff shall satisfactorily prove his Case, make and pronounce One Decree for such Plaintiff for such Sum as shall in such Case be demanded by the Process, so as such Sum does not exceed the Jurisdiction under this Act, and the same shall be expressed in such Decree to be and shall be in full Discharge of the whole of such Demand.

Cause of Action not to be divided.

Costs of Dismissal when Causes are split.

Proviso if Sum does not exceed Jurisdiction of this Act.

XXXVII. And whereas Doubts are entertained whether the Provisions as to Proceedings by Civil Bill contained in a certain Act passed in the Parliament of *Ireland* in the Fifteenth Year of the Reign of King *George* the Second, and intituled *An Act for the more effectual securing the Payment of Rents and preventing Frauds by Tenants*, (and which Act is continued and made perpetual by an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the Third,) have by the several subsequent Acts of Parliament, or any of them, relating to Civil Bills before Assistant Barristers, been extended and applied to Proceedings by Civil Bill before such Assistant Barristers: Be it declared and enacted, That the Provisions relating to Proceedings by Civil Bill contained in the said Act of the Fifteenth Year of King *George* the Second, and continued as aforesaid, shall extend and apply to Proceedings by Civil Bill before such Assistant Barristers, subject to the Provisions and Regulations of this Act; and that from and after the Commencement of this Act all original Proceedings by Civil

Provisions as to Civil Bill in 15 G. 2. c. 8. s. 4. (Irish.) 2 G. 3. c. 17. s. 18. (Irish.) extended to Civil Bill before Barristers, and original Jurisdiction of Judges abolished.

Jurisdiction in ordinary Cases.

Civil Bill provided by the said Act passed in the Fifteenth Year of King *George* the Second, and continued by the Act aforesaid, shall be brought in the respective Courts of the several Assistant Barristers, and shall not be brought before any Judge or Judges of Assize on their respective Circuits, or in their respective Courts at *Dublin*, save by way of Appeal, as herein-after provided in relation to Appeals.

How Tenant shall proceed in Cases of Distress by the head Landlord, where Rent shall have been paid to his immediate Landlord, and how and what Damages shall be recovered.

XXXVIII. And whereas it is fit and just that Provision should be made for securing the occupying Tenant as far as may be against being called upon for Payment more than once of the Rent reserved and made payable to his immediate Landlord or Lessor out of the Land which he occupies, in consequence of superior Landlords distraining for the Rents due to them respectively: For Remedy thereof be it enacted, That in all Cases where the entire Rent due and payable from the occupying Tenant to his immediate Landlord or Landlords shall have been paid or in any Manner satisfied, if, in consequence of the Fraud, Malfeasance, or Neglect of such Landlord or Landlords to pay and satisfy the Rent due and owing by him or them to any superior Landlord or Landlords, the Lands in the Hands of such occupying Tenant shall be distrained for any such Rent, or such occupying Tenant shall have been compelled to pay any Sum of Money to any such superior Landlord, to avoid a Distress for Rent due to such superior Landlord, then and in every such Case it shall be lawful for such occupying Tenant to proceed against such his immediate Landlord through whose Default or Neglect to make such Payment the Lands in the Possession of such occupying Tenant shall have been distrained or threatened to be distrained, to recover the Amount of Costs and Damages by him sustained thereby, by Civil Bill before the Assistant Barrister of any County or Riding where such Lands shall be; and that the Amount of such Costs and Damages, when ascertained by the Decree of such Assistant Barrister, and the Amount of any Costs and Damages which may be ascertained by the Judgment of any Superior Court, upon any Action which may be brought for that Purpose, may be tendered by the occupying Tenant, or his or their Representatives, in Payment of so much of the subsequently growing and accruing Rent as shall thereafter become due and payable to such his immediate Landlord, and shall be accepted by such Landlord in Payment of the same, or shall be recovered by Process of Execution as the said occupying Tenant so aggrieved shall deem most advisable.

If Complainant prove Facts of Payment of Rent

XXXIX. If on such Trial by Civil Bill before the Assistant Barrister the Complainant shall prove the Facts of Payment of Rent by Distress or otherwise to his immediate Landlord, and of the subsequent

subsequent Seizure of his Goods or Stock under Distress by a superior Landlord, or his being compelled to pay any Sum of Money in or towards Satisfaction of Rent due to such superior Landlord, to avoid any such Distress, he shall be entitled to recover in Damages, and shall so recover, upon such Proof made of the Facts herein before mentioned, without any other or further Proof of Damages sustained, Ten Pounds in the Hundred of the Rent reserved and distrained for, in addition to the whole Sum he shall have paid under such Distress to the superior Landlord, but shall not be precluded from entering upon Proof of other more aggravated or special Damage sustained, if he shall prefer such Mode of proceeding for Recovery of due and adequate Compensation on such Account.

by Distress, he may recover Damages.

XL. If in any Action brought after the Commencement of this Act in any of Her Majesty's Superior Courts of Record in *Dublin*, in Debt, Covenant, Detinue, or Assumpsit, (save for Breach of Promise of Marriage,) where the Parties to the Proceedings reside within the Jurisdiction of the Civil Bill Court of the County in which the Cause of Action has arisen, the Plaintiff shall recover, for Debt or Damages, exclusive of Costs, a Sum not exceeding Twenty Pounds, or in any Action of Trespass, Trover, or Trespass on the Case (not being in Replevin, or for Slander, Libel, Malicious Prosecution, Breach of Promise of Marriage, Seduction, or Criminal Conversation with a Man's Wife,) a Sum not exceeding Five Pounds, the Plaintiff in any such Action shall not be entitled to any Costs, unless at the Trial of such Cause the Judge shall certify on the Back of the Record, either that the Case was one which could not have been tried in the Civil Bill Court, or that, although within the Jurisdiction of the Civil Bill Court, it nevertheless was a fit Case to be tried in One of such Superior Courts, or (in case there shall be no Trial) unless the Court or a Judge shall on Motion make an Order to the like Effect; and in case there shall be no such Certificate or Order, it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled to Costs by reason of any Privilege in consequence of either the Plaintiff or Defendant being an Attorney or Officer of such Court or otherwise.

As to Costs in case of Actions in Superior Courts, where the Proceedings might have been by Civil Bill.

XLI. The respective Assistant Barristers shall and they are hereby authorized and empowered to hear and determine within their respective Jurisdictions all Actions of Replevin relating to Distresses for Rent made by any Landlord, or Person claiming as such, where the annual Rent reserved for or in respect of which any Distress shall have been made shall not exceed Fifty Pounds, whether a greater annual Rent may have been claimed by the Landlord or not.

Replevin.

Jurisdiction in Replevin Cases.

Replevin.

Appointment of Replevingers.

XLII. The Sheriff for the Time being for every County, County of a City, or County of a Town in *Ireland* shall, within Ten Days after he shall be sworn in as Sheriff, depute a sufficient Number of Persons in such County, County of a City, or County of a Town to act as Replevinger or Replevingers in Cases of Distresses for Rent, so that there shall be at least One such Replevinger in every Town wherein General or Quarter Sessions of the Peace are held; and for every Refusal or Neglect to appoint within Ten Days a Replevinger, or a sufficient Number of Persons to act as Replevingers, as aforesaid, and also for every Month during which there shall not be One such Replevinger in each such Sessions Town, every such Sheriff shall forfeit and pay the Sum of Twenty Pounds, to be recoverable by Civil Bill by any Person who will sue for the same; and such Replevinger or Replevingers so to be appointed as aforesaid shall have Authority in the Sheriff's Name to grant Replevins and make Deliverance of all Distresses in such Manner or Form as the Sheriff may and ought to do, and shall be entitled to receive the Fees in that Behalf mentioned in the Schedule (D.) hereunto annexed, and no more.

Mode of proceeding in Replevin Cases.

XLIII. Where any Party whose Goods or Chattels shall have been distrained for Rent shall dispute the Validity of the Distress, and the annual Amount of the Rent in respect of which such Distress shall or ought to have been made shall not exceed Fifty Pounds, it shall be lawful for such Party to lodge with the Clerk of the Peace for the County wherein such Distress shall have been made a Civil Bill in the Form (1.) in the Schedule (C.) to this Act annexed, stating the Particulars of the Property distrained, and the Place where, and the Person or Persons by whom or on whose Behalf such Distress was made, and requiring such Person or Persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the Division or District in which such Distress was made, in case there shall be Ten clear Days between the Day of lodging such Civil Bill and the First Day of holding such Sessions, and if not, then at the Sessions for such Division or District next after the Expiration of Ten Days from the Day of lodging such Civil Bill, and thereupon the said Clerk of the Peace shall issue an Order in the Form (2.) of the said Schedule (C.), requiring the Sheriff of the County to replevy the Goods and Chattels so distrained; and the Sheriff to whom any such Order shall be directed, or his Replevinger, shall and he is hereby required, upon good Security being given to him by the Bond of the Person obtaining such Order, and Two or more responsible Persons, not exceeding Four in Number, as Sureties in double the Amount of the Value of the Property distrained, to execute such Order, and make a correct and proper Return in Writing of the Manner in which the same shall have been

been executed, or to signify the Cause why the same has not been executed, to the Court of the Assistant Barrister for the County or Riding, within Seven Days next after such Order shall have been delivered to him; provided that the Value of the Property distrained shall be ascertained by the said Sheriff or Replevinger in like Manner as the Value of Goods distrained is now ascertained by Law by the said Sheriff on taking Security in Replevins returnable to any of the Superior Courts at *Dublin;* and the Bond so to be given to the said Sheriff shall be in the Form (3.) of the said Schedule (C.), or as near thereto as the Circumstances of the Case will admit.

Replevin.

Form of Bond.

XLIV. In every Case where any of the Persons who shall be proposed as Sureties on behalf of any Party whose Goods or Chattels shall have been distrained shall be rejected, the Reason or Ground of such Rejection shall be stated in Writing by the Sheriff or Replevinger so rejecting: Provided always, that nothing herein contained shall be deemed or taken to exonerate any Sheriff from any Liability by reason that he, or his Replevingers, or any of them, shall have taken insufficient Sureties in any such Replevin.

If proposed Sureties be objected to, the Reason of Refusal to be stated in Writing.

XLV. In every Case where any Goods distrained shall be replevied as aforesaid a Copy of the Civil Bill which shall have been lodged with the Clerk of the Peace as aforesaid shall be served, on the Part of the Plaintiff in such Civil Bill, upon every Person named as Defendant therein, in the same Manner as Civil Bills for Recovery of Debts are hereby required to be served: Provided always, that in case the Party on whose Behalf such Distress was made shall not reside within the Jurisdiction of such Assistant Barrister, Service of such Civil Bill on the Person who made the Distress for him, or on any Bailiff who shall be in charge of the Goods so distrained, shall be deemed good Service on such Party; and such Party, although not residing within the County or Riding, shall, for the Purposes of this Act, be deemed and taken to be within the Jurisdiction of the Assistant Barrister of the County or Riding in which the Distress was made.

Copy of Civil Bill to be served on Defendant.

XLVI. The Assistant Barrister shall in every such Case of Replevin hear and determine the Civil Bill, and if it shall appear to him that such Distress was legally made, and that the annual Rent in respect of which such Distress was made did not exceed Fifty Pounds, shall ascertain whether any and what Rent was due to the Defendant at the Time of making such Distress; and if it shall appear that any Sum was due for Rent, and that no Tender of the Sum so due was made before the said Civil Bill was lodged, it shall be lawful for such Assistant Barrister and he is hereby required to ascertain

Assistant Barrister to hear and determine such Civil Bill.

Replevin. ascertain the Sum due for Rent, and to make a Decree for Payment of the same, and the Costs for defending such Civil Bill, and of such Distress; and such Sum and Costs shall and may be levied by virtue of such Decree, and such Decree shall be in the Form (4.) in the Schedule (C.) to this Act annexed; and in case it shall appear that no Rent was due at the Time of such Distress, or that a Tender was made of the Amount due, together with reasonable Costs of Distress, previous to the lodging of such Civil Bill, or that such Distress was illegally made, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid to be delivered up to the Party complaining of the Distress, and also to make a Decree in the Form (5.) of the said Schedule, for Payment by the Defendant to such Party of such Damages as the Court may think fit, and, if necessary, to direct that such Damages and Costs shall be set off against or deducted from any Rent then due or thereafter to accrue due by the Party complaining, and to make a Decree accordingly.

Bailiff a competent Witness in Replevin.

XLVII. In all Cases of any Proceedings in Replevin under this Act it shall and may be lawful, on the hearing of the Civil Bill, for the Bailiff or other Person who may have made the Distress on the Part of the Landlord claiming the Rent to be examined as a Witness on behalf of such Landlord, and he is hereby declared to be a competent Witness, notwithstanding that he may be a Party Defendant in such Action or Proceeding.

Bond to be assigned if Plaintiff do not prosecute Suit.

XLVIII. In case the Plaintiff in Replevin shall not cause said Civil Bill to be served as herein-before mentioned, or shall not duly appear at the Sessions, and there prosecute his Civil Bill, or, having appeared, his Civil Bill shall be dismissed because the annual Rent in respect of which the Distress was made exceeded Fifty Pounds, or by reason of his disputing that the Person by or on whose Behalf the Distress was made was Landlord as aforesaid, and in every Case where he shall not obtain a Decree therein, the Assistant Barrister shall, at the Request of any Party named as a Defendant in such Civil Bill, make an Order that the Bond so directed to be given to the Sheriff as aforesaid shall be assigned to the Defendant, or, if more than One, to such of the Defendants as he shall think fit; and such Bond shall be assigned by the Sheriff or his Representative to such Person or Persons as the Assistant Barrister shall direct; and such Assignment shall be by an Indorsement, signed by the Sheriff or his Representative, on the Bond, to the Effect following; that is to say,

Mode of Assignment of Bond.

'I *A.B.*, Sheriff of do hereby assign the within
'Bond to his Executors or Administrators,
'this Day of

Which

Replevin.

Which Indorsement shall not require any Stamp; and such Bond shall be and stand as a Security for the full Amount of the Value of the Goods distrained, and the Costs of the Proceedings in relation to the Distress, and of the Proceedings on such Civil Bill and on such Bond; and the Assignee of such Bond shall be at liberty to sue in his own Name, upon such Bond, all or any One or more of the Obligors thereof in the Court of the Assistant Barrister within whose Jurisdiction any One of such Obligors shall reside, without regard to the Amount of the Penalty of such Bond; and it shall be lawful for the Assistant Barrister to order that the Goods distrained shall be returned to the Party who distrained the same; and in every such Case where the Goods distrained shall be actually returned to the Party who distrained the same, and the Costs of the Proceedings paid, no further Proceeding shall be had on the Bond which shall have been given as aforesaid; and all such Goods, if returned or recovered under any such Decree as aforesaid, may be sold, for the Recovery of the Rent due, and Expenses, not sooner than after the Expiration of the Second Day after the Day of the Return thereof.

If Goods returned no Proceedings to be had on Bond, and Goods may be sold.

Legacies.

Legacies and distributive Shares payable out of Assets of any deceased Person (when Assets shall not exceed 200*l.*) recoverable by Civil Bill.

XLIX. Where the Amount of the Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds it shall and may be lawful for any Legatee of any specific Chattel, or for any Legatee of any pecuniary Legacy payable out of the Assets of any such deceased Person, or for any Residuary Legatee, or for any Person or Persons entitled as next of Kin of any such deceased Person, or the Executors, Administrators, or Assigns of such Legatee or next of Kin, and they and each of them are and is hereby authorized and empowered, to proceed by Civil Bill against the Executor or Administrator of such deceased Person in the County or Riding in which such Executor or Administrator, or One of such Executors or Administrators, in case there shall be more than One, shall be resident, for the Recovery of such Legacies or distributive Shares, at any Time after the Expiration of One Year from the Decease of the Testator or Intestate, but not sooner; and such Civil Bill shall be in the Form (6.) in the Schedule (C.) to this Act annexed; and it shall and may be lawful for such Assistant Barrister, upon due Proof that the Defendant had received, or without wilful Default might have received, Assets of the Testator or Intestate sufficient, and liable, after Payment of all just Debts, for the Satisfaction in a due Course of Administration, either in the whole or in part, of the Plaintiff's Demand, to make a Decree for Payment of such Legacy in the Form (7.) in the said Schedule, or to make a Decree for Payment of the distributive Portion rateably and proportionably with other Legatees standing in the same Situation, or other

Legacies.

next of Kin respectively, as the Case may be, in the Form (8.) in the said Schedule; and in case the Plaintiff shall establish his Right to any specific Chattel, it shall and may be lawful for such Assistant Barrister to make an Order for Delivery of the same to the Party entitled thereto, or to make a Decree for Payment of the Value thereof, and Costs of Suit; and in case the Plaintiff shall establish his Right as Residuary Legatee, it shall and may be lawful for such Assistant Barrister to make an Order for the Delivery, Transfer, or Payment of such Residuary Estate and Effects to the Party decreed entitled thereto.

Executors and Administrators to lodge Accounts, if required.

L. Where the Property or Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, every Executor or Administrator shall, if thereunto required by Notice in Writing by any Legatee, next of Kin, Creditor, or other Person interested therein, at any Time after Twelve Months from the Decease of the Testator or Intestate, lodge with the Clerk of the Peace of the County wherein such Testator or Intestate resided at the Time of his Death, and if he shall reside in a County different from that in which such Testator or Intestate resided, also in the County wherein such Executor or Administrator resides, a Schedule or Account, setting forth the Particulars of the Property or Assets which the Testator or Intestate died possessed of or entitled to, and the Amount, Produce, and Value of the same respectively, and the Amounts and Particulars of the Debts due by the said Testator or Intestate, and the Amounts and Particulars of the Debts, Legacies, and Funeral and Testamentary Expenses of the Testator or Intestate paid by or on account of any such Executor or Administrator, and showing the Balance applicable to the Purposes of the Will of the said Testator, or distributable amongst the next of Kin of the said Intestate, or the Property or Chattels then undisposed of; and every such Schedule or Account shall be signed by such Executor or Administrator, and verified by the Oath or Affirmation (as the Case may be) of the Executor or Administrator, to be sworn or made before the Clerk of the Peace for the County wherein such Executor or Administrator resides, and which Oath or Affirmation the said Clerk of the Peace is hereby authorized and required to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace amongst the Records of their respective Counties or Ridings, and shall be deemed and taken as Evidence against the said Executor or Administrator of the several Matters therein contained; and in case any such Executor or Administrator shall neglect to lodge such Schedule or Schedules as aforesaid within the Time herein-before specified, he shall forfeit any Sum not exceeding Twenty Pounds, to be

Penalty on Executors or Administrators neglecting to lodge

be recoverable by Civil Bill before the Assistant Barrister of the County wherein such Executor shall reside, by any Person so requiring such Account.

such Account.

LI. In all Proceedings by Civil Bill by any Legatee or next of Kin for Recovery of any Legacy or distributive Share as aforesaid, it shall and may be lawful for the Plaintiff, as such Legatee or next of Kin in such Civil Bill as aforesaid, to examine such Executor or Administrator on Oath in open Court, if the Court shall deem it necessary, in order to obtain a Discovery of the Estate and Effects of the Testator or Intestate at the Time of his or her Decease, and the Value thereof, and of his or her Debts, Funeral and Testamentary Expenses, and to obtain an Admission that the Defendant is the Executor or Administrator (as the Case may be), and to ascertain all such Facts of which a Party suing as Legatee or as next of Kin in a Court of Equity is entitled to a Discovery.

Examination of Executor or Administrator.

LII. Every Executor or Administrator may be compelled by Summons, to be issued and signed in the Manner herein-after prescribed for Witnesses summoned to give Evidence in Civil Bill Courts, to attend and produce the Probate (if any) of the Will of the Testator or the Letters of Administration of the Testator or Intestate (as the Case may be), and submit to be examined on Oath in open Court touching the Matters aforesaid on the Trial of any such Civil Bill in any Division where such Cause shall be heard; and every Executor or Administrator who shall disobey any such Summons shall forfeit and pay, to the Party at whose Request such Summons was issued, the Sum of Ten Pounds, as a Penalty, but such Fine or Penalty may be reduced or wholly remitted, if the Assistant Barrister before whom he shall have been required to attend shall, upon good and sufficient Cause being shown, think fit to reduce or remit the same.

Executors or Administrators to produce Copy of Will and Letters of Administration, and to submit to be examined on Oath on Trial of Civil Bill.

LIII. It shall be lawful for any Assistant Barrister, in any Civil Bill Proceeding for a Legacy or a distributive Share of the Property or Assets of a Testator or an Intestate, to order the Party suing to give Notice, either by Advertisement or otherwise, requiring Persons having Claims on the Property or Assets of the Deceased to produce and verify such Claims; and no such Advertisement shall be charged with or liable to any Duty; and all Costs relating to such Notice shall be borne and paid in such Manner and by such Parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such Notice to be given, adjourn the Hearing of the Civil Bill to some future Sessions, and from Time to Time as Occasion may require, so as to allow sufficient Time for publishing or giving such Notice.

Assistant Barrister may advertise for Claims or Assets.

LIV. In

Legacies.

Money may be ordered by Assistant Barrister to be paid into the Bank.

LIV. In any such Action or Proceeding the Assistant Barrister may, if he shall think fit, order Money to be paid into the Bank of *Ireland*, or such Branch Bank of the Bank of *Ireland* as he shall direct, in the Name of such Clerk of the Peace, to the Credit of the Cause in question, and such Money shall be applied and disposed of according to the Order and Directions of the Assistant Barrister, and all Payments of such Monies shall vest in the Clerk of the Peace for the Time being, and shall be made upon an Order in Writing under the Hand of the Clerk of the Peace, countersigned by the Assistant Barrister, which Order shall be a good and sufficient Warrant to all Intents and Purposes.

Legacies not exceeding 20*l.* charged on Real Estate to be recoverable by Civil Bill.

LV. It shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds charged upon or payable out of any Real Estate or any Chattel Real, or for any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Rent-charge or Annuity charged upon or payable out of any Real Estate or Chattel Real, to proceed by Civil Bill against the Person who shall be entitled to the Real Estate or Chattel Real charged with such Legacy or Arrears; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Real Estate or Chattel Real is liable to such Legacy or Arrears, unless the Owner thereof shall satisfy the said Assistant Barrister that he has not received therefrom, for his own Use and Benefit, a Sum equal to the Amount of the Legacy or Sum sought to be recovered, and which was properly applicable to the Payment thereof, or that there is Personal Property liable to the Payment thereof available for that Purpose, to decree the Payment of such Legacy or Arrears by the Owner of such Real Estate or Chattel Real.

Legacies an Annuities not exceeding 20*l.* charged on Personal Estate to be recoverable by Civil Bill.

LVI. It shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds, payable out of any Personal Estate, or for any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Annuity payable out of any Personal Estate, (whatever may be the Amount of such Personal Estate,) to proceed by Civil Bill against the Executor or Administrator of such Personal Estate; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Personal Estate is liable to such Legacy or Arrears, and that the Executor or Administrator thereof has received therefrom sufficient Assets applicable to the Payment thereof, and available for that Purpose, to decree the Payment by such Executor or Administrator of such Legacy or Arrears, or of such Part thereof as such available Assets will extend to pay.

LVII Any

Legacies.

Executors de son tort to be liable.

LVII. Any Person rendering himself an Executor de son tort shall be liable to be sued by Civil Bill, as if he were a rightful Executor, in the Manner and to the Extent herein mentioned respecting rightful Executors, provided that such Executor de son tort shall not be liable beyond the Amount of the Assets actually received by him.

Parties.

One or more of several Persons liable may be sued by Civil Bill.

LVIII. Where any Person shall have any Demand recoverable under this Act against Two or more Persons jointly liable, it shall and may be lawful for him to sue by Civil Bill all such Persons so jointly liable who shall reside within the County or Riding in which such Civil Bill shall be brought, and a Decree may be made and Execution issued against the Person or Persons so sued, notwithstanding that any other or others jointly liable may reside out of the Jurisdiction of such Assistant Barrister.

Where Assistant Barrister is Plaintiff or Defendant in any Suit or resides within his County, Civil Bill may be brought to next adjoining County.

LIX. If any Assistant Barrister shall have any Cause of Action, in Replevin or otherwise, against any Person residing within the County or Riding in which he shall act as such Assistant Barrister, or if any Person shall have any Cause of Action, in Replevin or otherwise, against an Assistant Barrister who shall reside within the County or Riding in which he shall act as such Assistant Barrister, then and in every such Case such Assistant Barrister shall sue or may be sued in the Civil Bill Court of any of the next adjoining Counties, and nearest to the Residence of the Defendant, or any of the Defendants if more than One; and Service of the Process in the County or Riding in which the Defendant shall reside, made by any Process Officer of such County, or by any Process Officer of the County in which the Process is intended to be heard, shall be deemed good Service on such Defendant to appear before the Assistant Barrister at the Sessions of such adjoining County, who shall have Jurisdiction to hear and determine such Civil Bill; and the Decree or Dismiss of such last-mentioned Assistant Barrister shall have full Force and Effect in and shall be executed by the Sheriff or Sheriff's Bailiff of the County in which the Party against whom the said Decree or Dismiss has been made shall reside: Provided always, that in every such Case the Reason for bringing such Civil Bill in such next adjoining County shall be stated upon the Civil Bill Process: Provided also, that if the Service of such Process shall be made by any Process Officer of the County in which the Defendant resides, such Service may be verified by an Affidavit of Service by him made before any Justice of the Peace of the County in which such Service was effected, who is hereby authorized and required

to take the same; and for every such Service and Affidavit such Process Officer shall be entitled to a Fee of Two Shillings and Sixpence, and no more.

Process.

Civil Bill need not be signed by Attorney, but by the Plaintiff, or some one on his Behalf, save in Ejectment.

LX. The Civil Bill Process to be served upon the Defendant in all Cases not otherwise provided for, requiring him to appear before the Assistant Barrister, shall be in the Form (9.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will permit, always preserving the Substance of the same; and it shall not be necessary that any such Civil Bill Process shall be signed by any Attorney, or by the Clerk of the Peace, or by the Assistant Barrister, or any other Officer, but it shall be sufficient if the same be signed by the Plaintiff or any One or more of the Plaintiffs therein mentioned, or by any other Person on behalf of the said Plaintiff or Plaintiffs: Provided always, that in all Ejectment Cases the Civil Bill Process shall be signed by an Attorney, who shall set forth his Place of Residence thereon.

All Civil Bills, Decrees, and Dismisses to contain Addition and Residence of Parties.

LXI. Every Civil Bill Process, and Decree or Dismiss had thereon, under this Act, shall contain the Addition and last known Place of Residence of the Parties, Plaintiffs and Defendants; and that in case of the Omission thereof any such Civil Bill, unless amended under the Provisions of this Act, or Decree or Dismiss, shall be null and void to all Intents and Purposes whatsoever: Provided always, that it shall be sufficient to describe Corporate Bodies or Joint Stock Companies, whether Plaintiffs or Defendants, by the proper and respective Titles in which they are entitled to sue or to be sued, without inserting any Addition or Place of Residence, and where the Attorney General shall be a Party on behalf of the Crown, it shall not be necessary to set forth his Addition or Residence.

Stamps on Civil Bill Forms of Process and Copies.

LXII. And whereas under the Provisions of this Act divers Sums of Money will become annually charged upon and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* for additional Salaries to the Assistant Barristers, in lieu of the Fees heretofore payable to them by the Suitors upon certain Civil Bill Proceedings, which Fees henceforth will cease to be payable, and it is reasonable, in order to meet the said Charges, that certain Duties of Stamps herein-after specified should be granted and be made payable upon certain of the Civil Bill Forms and Proceedings herein specified: Be it therefore enacted, That the Forms next herein-after mentioned hereby provided to be used shall be severally subject

subject to the following Stamp Duties payable to Her Majesty; that is to say, *Process.*

	s.	d.
Every original Civil Bill Ejectment Process - -	2	6
Every Civil Bill for Redemption - - - -	2	6
Every original Civil Bill Process in Replevin - -	2	6
Every original Process for the Recovery of any Legacy or distributive Share of Assets - - -	2	6
Every other original Civil Bill - - - -	0	6
Every Copy thereof served - - - -	0	6
Every Notice of Renewal - - - - -	0	6
Every Copy thereof served - - - -	0	6
Every Recognizance of Appeal - - - -	1	0

And in the event of the Plaintiff's obtaining a Decree the Amount of such Stamps shall be charged against the Defendant or Defendants as Part of the Costs of his Proceeding; and printed Forms, with such Stamp on each as aforesaid, shall be issued from the Office of the Commissioners of Inland Revenue to the several Distributors of Stamps in *Ireland*, under such Regulations as the said Commissioners shall make for the Sale of the same by the several Sub-Distributors of Stamps, or by any other Persons; and any such Sub-Distributor of Stamps, or other Person, who shall, without express Authority from the said Commissioners for such Purpose, demand or receive for any One of such Forms, from any Person whatever, any greater Sum of Money than the Amount of the Stamp Duty on such Form, or who shall in any other Way offend against such Regulations as aforesaid, or against any other Regulations made or to be made by the said Commissioners, and which shall be from Time to Time in force as to any other Stamps, shall be liable to the same Forfeitures and Punishments as are by any Act or Acts provided for any like Offence in respect to any other Stamps issued by the said Commissioners: Provided always, that if it shall appear to the Court upon the hearing of any Civil Bill that any original Civil Bill Process or Notice of Renewal, or any Copy thereof served upon any Defendant, shall not have been duly stamped, or had been previously used as a Process, Notice, or Copy thereof in any other Suit, the several and respective Assistant Barristers are hereby required forthwith to dismiss the said Civil Bill, and to order and direct that the original Process, Notice, or Copy thereof so wanting the said Stamp required by this Act shall be held and impounded by the Clerk of the Peace.

Commissioners of Inland Revenue to issue stamped Forms.

Penalty on taking more than Amount of Stamp Duty.

LXIII. If any Sub-Distributor of Stamps or other Person whatsoever shall (without express Authority for such Purpose from the said Commissioners), by himself, or any other for his Use or Profit, ask, demand, receive, or take any greater Sum of Money or other Thing

Distributors or others taking more than Stamp Duty chargeable on printed Forms to

forfeit Five Pounds to Person injured.

Thing for any One such printed Form than the Sum which is hereby made chargeable thereon to Her Majesty as and for the Stamp Duty on such printed Form, and so in proportion for any greater Number of such printed Forms, such Person so asking, demanding, receiving, or taking, or the Person for whose Use and Benefit such greater Sum of Money or other Thing shall be asked, demanded, received or taken, by the Authority of, or Consent, Direction, or Approbation of, such Person for whose Use and Benefit the same shall be asked, demanded, received, or taken, shall forfeit and pay to the Person injured the Sum of Five Pounds, to be recovered by Civil Bill to be brought by such Person within Twelve Months from the Time of such Offence committed; provided that the Plaintiff in such Civil Bill may, at his Election, sue either the Person who shall have so asked, demanded, received, or taken such greater Sum or other Thing, or the Person for whose Use or Benefit such greater Sum or other Thing was so as aforesaid asked, demanded, received, or taken, but not both of them.

Plaintiff may sue either the Person who takes such greater Sum or the Person for whose Use taken.

Powers and Provisions of former Acts to be applied to the Stamp Duties imposed by this Act.

LXIV. The said Stamp Duties by this Act imposed and granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several Acts of Parliament relating to any Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Stamp Duties by this Act granted or imposed, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Stamp Duties by this Act granted or imposed.

Service of Process.

How Process is to be served.

LXV. Service of any Civil Bill Process on the Defendant shall be effected, either by personal Service of the Civil Bill Process, or by leaving a Copy thereof at the Defendant's House or Place of Residence, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, with the Wife, Child, Father, Mother, Brother, Sister, or any other Relation of the Defendant, or of his Wife, or with any Servant or Clerk of the Defendant, (the Person with whom such Copy shall be left being of the Age of Sixteen Years or upwards,) and showing to such Person the Original of such Civil Bill Process; and that no Decree, other than a Decree in Ejectment or Replevin, shall be made by any Assistant Barrister unless the Process in such Cause shall, by the Oath of the Process Officer in open Court before the said Assistant Barrister, or by the Production

No Decree to be made unless satisfactory Proof of Service.

Production of the Books of the Process Officer in the Cases herein-before provided, be satisfactorily proved to have been duly served, and unless it shall be proved that the House or Place of Residence in which the Defendant, or, in the Case of more than One Defendant, in which One of the Defendants, shall at the Time of such Service have usually resided, or that the Office, Warehouse, Counting-house, Shop, Factory, or Place of Business of the Defendant or One of the Defendants is situate within such Division of the County where the said Court is held at which the said Defendant or the said Defendants shall be required to appear.

Service of Process.

LXVI. Where any Defendant in any Civil Bill shall be a Lodger in any House in which his Landlord shall also reside, Service of any Civil Bill Process within such Dwelling House upon such Landlord so residing, or upon the Wife, Child, or Servant, being of the Age of Sixteen Years or upwards, of such Landlord, and posting a Copy of such Process on the usual Place for posting Notices on the nearest Police Barrack to the House in which the said Defendant shall so lodge, shall be deemed good Service of such Civil Bill Process upon the said Defendant; provided that it shall appear to the Satisfaction of such Assistant Barrister that due Diligence had been used to effect personal Service upon the Defendant, or Service upon his Wife.

As to Service of Process on Lodgers.

LXVII. If the Wife, Child, Father, Mother, Brother, Sister, or other Relative of the Defendant in any Civil Bill Process, or of his Wife, or any Servant of the Defendant who respectively usually resides with the said Defendant, shall be outside the Dwelling House or Place of Residence of the Defendant, but within reasonable Distance, it shall and may be lawful for the Process Officer to deliver to the said Wife, Child, Father, Mother, Brother, Sister, or other Relative of the said Defendant, or of his Wife, being of the Age of Sixteen Years or upwards, so usually residing with the said Defendant, or to such Servant of the said Defendant, a Copy of the said Process for the said Defendant, outside the Dwelling House or Place of Residence of the said Defendant, and within such Distance as aforesaid from the same, and such Service of Process shall be deemed as good and effectual to all Intents and Purposes as if Service on any of said Parties of said Copy of said Process had been effected within the said Dwelling House or Place of Residence: Provided always, that at the Time of such Service personal Service on the Defendant, or Service on any Person within such Dwelling House, Lodging, or Place of Residence, could not have been effected.

As to Service of Process outside Dwelling House.

LXVIII. The Civil Bill Process shall, in all Cases of Ejectment, and in all Cases for the Recovery of Legacies, and distributive Shares of Assets, and in all Cases where the Demand shall exceed Twenty Pounds, be served Fifteen clear Days before the First Day of the Sessions,

As to Time when Processes are to be served.

Service of Process.

Sessions, and that in all other Cases every Civil Bill Process shall be served Six clear Days before the First Day of the Sessions, unless otherwise provided by any Act or Acts giving the Jurisdiction in the particular Case, and not hereby repealed, and then so as required by such Act or Acts; and that in no Case whatsoever shall any Civil Bill Process be served on *Sunday*, *Good Friday*, or *Christmas Day*, and Service upon any of said Days shall be absolutely null and void.

Defendant not to be sued out of Division in which he lives, unless as herein specified.

What shall be deemed a Residence within County.

LXIX. No Defendant shall be liable to be sued or proceeded against by Civil Bill under this Act or obliged to appear in any Cause to be heard and determined at any Session or Adjournment thereof to be held out of the Division in which he usually resides, unless there shall be more than One Defendant in such Cause, in which Case the Plaintiff shall be at liberty to bring his Civil Bill in such Division of the County where any One of the Defendants shall so reside: Provided always, that if any Person shall have and occupy any House, Warehouse, Counting-house, Shop, Factory, or Office for the Sale of Goods, or for carrying on any Business, in any County, he shall be deemed to have a Residence within such County for the Purposes of this Act.

In case of forcible Resistance to serving the Process, a Copy thereof may be posted on the Court House and on the posting Place in the nearest Market Town.

LXX. In any Case where it shall appear to the Assistant Barrister, by Examination on Oath in open Court, that any Officer appointed to serve the Process of the said Civil Bill Court has been prevented by forcible Resistance, or by reasonable Apprehension of personal Injury, from effecting Service of any Process of the said Court, it shall and may be lawful for such Assistant Barrister in every such Case to direct, by an Order to be signed by him, and entered in the Book of the Clerk of the Peace, that posting a Copy of a Civil Bill Process on the Court House in which the Court may be then sitting, and on the usual Place for posting Notices in the nearest Market Town to the Residence of the Defendant named in such Process, or of One of the Defendants if there be more than One, at least Twenty-one Days before the First Day of the next Sessions to be holden for the same Division of the County or Riding, shall be deemed good Service of such Process, and at Foot of every such Copy shall be affixed a Notice that the same is so posted by Order of the said Assistant Barrister, and that such Process will be held good Service thereof; and upon its being proved on Oath to the Satisfaction of the Assistant Barrister at the next Sessions holden for the same Division that such Copy and Notice have been so duly posted, it shall be lawful for such Assistant Barrister and he is hereby authorized and required to proceed to hear and determine such Civil Bill, in all respects as if the Process thereon had been personally served on the Defendant or Defendants named therein.

LXXI. The

Ejectments.

Assistant Barrister empowered to put Landlords in possession of deserted Tenements in arrear for Half a Year's Rent.

LXXI. The respective Assistant Barristers shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences between Party and Party respecting or relating to Lands, Tenements, or Hereditaments, or any Part thereof, situate within their respective Jurisdictions, to the Extent and in manner following; that is to say, that if any Tenant holding any Tenement who shall be in arrear for One Half Year's Rent shall desert the Tenement demised to him, whether by Deed, Contract, or Minute in Writing, or by Parol, or from Year to Year, or leave the same uncultivated, or carry off the Stock and Crop, or otherwise abandon the same, so that no sufficient Distress may be had to countervail the Arrears of Rent due for the same at the Time of such Desertion, it shall be lawful for the Landlord or Lessor of the Tenement so deserted, or left unoccupied or uncultivated, to proceed by way of Civil Bill before the Assistant Barrister of any County or Riding in which the Tenement or any Part thereof shall be situate, to obtain Possession of the Tenement so deserted or left unoccupied or uncultivated, and thereupon it shall and may be lawful for Two or more Justices of the Peace of the County or Riding in which such Tenement or any Part thereof shall be, having no Interest in the demised Premises, at the Request of such Landlord or Lessor, his Bailiff or Receiver, to go upon and view the same, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and, having fully ascertained to their Satisfaction, by Examination of Witnesses or by their own View, that the Premises are so deserted by the Tenant, or left so unoccupied or uncultivated as aforesaid, and without sufficient Distress to countervail the Arrears of Rent due at the Time of such Desertion, to certify to the Assistant Barrister before whom such Proceedings by Civil Bill shall be, under the Hands and Seals of such Justices, that they have together viewed the Tenement in question (fully describing the same), and that the same appeared to them deserted and unoccupied or uncultivated, and without any Distress thereon sufficient to countervail the Arrear of Rent ascertained by Affidavit of the Landlord or Lessor, his Agent, Bailiff, or Receiver, to be due thereon, after all just and fair Allowances; which Certificate, when proved to have been duly executed, shall be Evidence of the Facts therein contained, unless the same shall be disproved by contrary Evidence to the Satisfaction of the Assistant Barrister before whom the Case shall come, upon such Civil Bill as aforesaid, or to the Satisfaction of a Judge upon Appeal from such Civil Bill; and it shall and may be lawful for the said Landlord, after obtaining from the said Justices the said Certificate, to serve a Civil Bill Process, together with a Copy of such Certificate, on the Tenant against whom such Proceeding shall be had, if such Tenant can be found, and

Ejectments.

and if not, to affix such Process and a Copy of such Certificate upon some conspicuous Part of the said Tenement, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if any within the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if any within the Parish), summoning the Tenant or Tenants who may have so deserted the Premises personally to appear before the Assistant Barrister on the First Day of the Quarter Sessions to be held for the Division of the County in which the Premises or any Part of them shall be, or, in Cases where the Premises shall be situate within the County of the City of *Dublin*, at a Court to be held before the Recorder, to answer the said Bill of the Landlord or Lessor; and that it shall be lawful for the said Assistant Barrister, Chairman of the County of *Dublin*, or Recorder, as the Case may be, upon such Civil Bill, and upon Proof of such Certificate by any Person who may have witnessed the Execution of the same, and upon Proof that at least One Half Year's Rent was due to such Landlord or Lessor for the Premises when such Certificate was made, and that the Civil Bill Process and a Copy of such Certificate were served as aforesaid, or that the Tenant could not be found so that the same could be served, then, upon Proof that such Process and a Copy of such Certificate had been duly affixed as herein-before mentioned, and upon hearing the Tenant, in case such Tenant shall appear, and such Evidence as shall be offered on behalf of such Tenant, if any shall be offered, and duly considering the same, to decree the said Landlord or Lessor to be put into possession of the Premises.

Ejectment for Premises held by Tenant at a Rent not exceeding 50*l.* per Annum, withheld after legal Notice, where Tenant's Interest is determined, and Possession has been demanded.

LXXII. In all Cases where any Lands, Tenements, or Hereditaments shall have been held by any Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and the Tenant's Interest in the same shall have determined, and after Demand made by the Landlord or Lessor, his Agent, Bailiff, or Receiver, and Delivery of Possession of the same shall be withheld, it shall and may be lawful for the said Landlord or Lessor to proceed by Civil Bill against such Tenant, and such other Person, if any, as shall be in the actual Possession of the Premises, and thereupon to serve such Tenant and such other Persons as aforesaid with a Civil Bill Process, if such Service can be effected, and if it shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal that such Service cannot be effected, or in case there be not any Person in actual Possession of the Premises, to affix such Process upon some conspicuous Part of the Premises, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if any within the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any within the Parish),

Parish), by which Process all Persons claiming to have any Interest in the Premises shall be required to appear before the Assistant Barrister, Chairman of the Sessions of the Peace, or Recorder, as the Case may be, on the First Day of the Quarter Sessions for the Division of the County or Riding in which the Premises or any Part thereof shall be situate, or at a Court to be held before the Recorder for the hearing and determining of Civil Bills, in Cases where the Premises are situate within the County of the City of *Dublin*, to answer the Bill of the said Landlord or Lessor, praying to be put into possession thereof; and it shall and may be lawful for the said Assistant Barrister, Chairman of the Sessions of the Peace, or Recorder, as the Case may be, upon such Civil Bill, and upon Proof of such Service as aforesaid, or in case of Impossibility or unreasonable Difficulty of Service, to be ascertained in manner herein-before provided, or in case there shall be no Person in actual Possession of the Premises, upon Proof of affixing the said Process as herein-before required, and that the Premises had been held by the Tenant against whom such Proceedings shall be at a Rate not exceeding Fifty Pounds *per Annum*, and that the Interest of the Tenant had determined, and that Notice to quit (in Cases where such Notice is by Law necessary) had been duly served, and the Time for the Delivery of the Possession thereof expired, to decree the said Landlord or Lessor to be put in possession of the Premises.

Ejectments.

How Landlord shall proceed in Cases where a Year's Rent shall be due.

LXXIII. In all Cases where any Lands, Tenements, or Hereditaments shall have been held by any Tenant under any Lease, Article, Minute, or Contract in Writing, or by Parol Demise, or under a Tenancy from Year to Year, at a Rent not exceeding Fifty Pounds *per Annum*, and that a full Year's Rent shall be due thereout, it shall and may be lawful for the Lessor or Landlord to proceed by Civil Bill Ejectment against such Tenant, and also against such Persons (if any) as shall be in actual Possession of the said Premises, and also against Persons having any Interest for valuable Consideration, in Cases where the Deeds or Instruments, if any, creating such Interests shall have been duly registered, and thereupon to serve such Tenant and such other Persons as aforesaid with Civil Bill Process (if such Service can be effected), and if it shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal that such Service cannot be effected, or in case there be not any Person in actual Possession of the Premises, to affix such Process upon some conspicuous Part of the said Premises, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if there shall be any in the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any in the Parish); by which Process all Persons claiming to have Interest in the Premises shall be required to appear before the

 said

Ejectments. said Assistant Barrister, Chairman of the County of *Dublin*, or Recorder of any City or Borough, as the Case may be, on the First Day of the Quarter Sessions for the Division of the County or Riding in which the Premises or any Part of them shall be situate, or at a Court to be held before such Recorder for the hearing or determining of Civil Bills, in Cases where the Premises shall be situate within the Jurisdiction of such Recorder, to answer the Bill of the said Lessor or Landlord praying to be put in possession thereof; and it shall and may be lawful for the said Assistant Barrister, Chairman, or Recorder, as the Case may be, upon Proof of such Service as aforesaid, or, in case of Impossibility or unreasonable Difficulty of Service, to be ascertained as herein-before provided, upon Proof of such affixing of the said Process, and that the Premises were then held by the Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and that a Sum equal to One full Year's Rent at such Rent was due when such Proceeding by Civil Bill was commenced, and still remained due, to decree the said Lessor or Landlord to be put into possession of the said Premises; and in case the Tenant or Tenants, his or their Assignee or Assignees, or other Person or Persons claiming or deriving under him or them, shall suffer the Decree to be executed putting the Lessor or Landlord into possession of the Premises, without paying the Rent and Arrear thereon, with full Costs, or without preferring a Civil Bill for Relief to the Assistant Barrister, Chairman, or Recorder, as the Case may be, or filing any Bill or Bills for Relief in Equity within the Time now limited by the several Statutes which regulate the Action of Ejectment for Nonpayment of Rent after such Execution executed, then and in such Case the said Tenant or Tenants, his or their Assignee or Assignees, and all other Persons deriving under him or them, shall be barred and foreclosed from all Relief or Remedy in Law or Equity, other than by Appeal from the Decree, the said Appeal to be brought within the Time by this Act limited for bringing of Appeals on Civil Bills: Provided always, that the Tenant or other Person so evicted under the Provisions of this Act for or by reason of Nonpayment of Rent may, at any Time within Six Calendar Months after Execution executed, tender the Rent and Costs, for the Purpose of redeeming the said Premises; and that in all Cases where he or they shall have made such Tender, he and they may be restored to the Possession of such Premises by a Decree of the Assistant Barrister, Chairman, or the Recorder, as the Case may be, on a Civil Bill for Redemption preferred for that Purpose, and due Proof made of their being respectively entitled thereto, anything in this Act contained to the contrary notwithstanding.

Tenant, after Execution of Decree, may appeal therefrom;

and may tender Rent and Costs to redeem Possession.

In Civil Bill Ejectments for Nonpay-

LXXIV. In all Cases of Ejectment by Civil Bill for Nonpayment of Rent the Amount claimed to be due for Rent, and the Times

Times at which the same accrued, shall be stated upon the Civil Bill, which Statement shall be written or printed thereon in the following Form, or as near thereto as the Nature of the Case will admit; (that is to say,)

ment of Rent the Amount claimed shall be stated

'THE Plaintiff claims being for Years Rent
' up to the Day of and if the Amount
' thereof be paid to the Plaintiff or his Attorney, or his known Agent
' or Receiver, together with the Sum of Shillings, the
' Amount of the Stamp Duty paid on the original Ejectment and
' Copies served, and Five Shillings for Service and filing the Eject-
' ment, the said Sums making together the Sum of in
' full of all Costs of such Ejectment Proceedings, before the
' Day of (being the Day next but One before the First Day
' of the next Sessions), further Proceedings will be stayed.'

And upon Payment or Tender within the Time so mentioned of the Rent so specified, together with such Sum as aforesaid for Costs, to the Plaintiff, or his Attorney, known Agent, or Receiver, all further Proceedings in such Ejectment shall cease and be stayed accordingly.

Defendant may deposit Rent and Costs Five Days before the First Day of the Sessions.

LXXV. It shall be lawful for any Defendant in any Civil Bill Ejectment for Nonpayment of Rent, Five Days previous to the Day on which by such Civil Bill he is required to appear, to deposit with the Clerk of the Peace a Sum of Money for Rent, together with the Sum mentioned on said Civil Bill for Costs, for which Deposit the Clerk of the Peace, upon Payment of a Fee of One Shilling and Sixpence, shall give to the Defendant a Certificate according to the Form (10.) in the Schedule (C.) hereto annexed, and also a Duplicate of such Certificate, which Certificate and Duplicate shall be free from the Payment of Stamp Duty, and of which Certificate a Copy shall be entered by the Clerk of the Peace in the Book kept by him for entering Decrees in Civil Bill Ejectments; and the Defendant shall, Three Days previous to the Day on which he is required to appear as aforesaid, deliver to or leave at the Place of Abode of the Plaintiff, his Agent, Receiver, or Attorney in such Cause, such Duplicate Certificate; and in case the Plaintiff or his Attorney in such Cause shall receive from the Clerk of the Peace the Sum so deposited, which the said Clerk of the Peace is hereby required to pay over to the Plaintiff or his Attorney on Demand, such Receipt and Payment shall be deemed to be in full Discharge of the Rent claimed by such Civil Bill and of Costs; but in case the Plaintiff or his Attorney, after such Certificate shall have been delivered or left as aforesaid, shall not accept the Sum so deposited, on or before the Day next previous, or (in case of *Sunday* intervening) on or before the Day next but one previous to the Day on which the Defendant is required to appear as aforesaid, and if upon the hearing of such Civil

Ejectments.

Civil Bill it shall appear that no greater Sum than the Sum so deposited for Rent was due to the Plaintiff for Rent at the Time of the Service of such Civil Bill Ejectment, and that such Duplicate Certificate has been delivered or left as aforesaid, it shall be lawful for the Assistant Barrister to dismiss such Civil Bill, with the Costs of the Proceedings subsequent to the Time of the making of such Deposit, as in other Cases of Dismisses of Civil Bill Ejectments; or if it shall appear that any greater Sum than the Sum so deposited for Rent was due to the Plaintiff for Rent, then it shall be lawful for the Assistant Barrister to make a Decree for the Plaintiff, with Costs, and thereupon the Amount of the Deposit shall be returned to the Defendant.

In such Civil Bill Ejectments, if the Defendant, before a Decree, pay or tender the Rent and Costs, the Proceedings shall be stayed.

LXXVI. If the Tenant or the Defendant in any such Civil Bill Ejectment shall at any Time after the Period herein-before limited for making such Deposit for Rent and Costs, and before the signing and issuing of a Decree upon such Civil Bill, pay or tender to the Lessor or Landlord, his Executors or Administrators, or his or their Agent, or the Attorney in such Civil Bill Ejectment, all Rent and Arrears then due, together with the Costs, it shall be lawful for the Assistant Barrister to order all further Proceedings on such Civil Bill to be stayed and discontinued, upon Payment of such Costs as he shall deem reasonable to be paid by the Defendant, not exceeding such Costs as would be properly payable at the Time of such Tender: Provided always, that in case of such Tender as last aforesaid, and Refusal to receive the Sum so tendered, such Money shall be lodged in the Hands of the Clerk of the Peace, and shall be paid over to such Landlord or Lessor on Demand: Provided also, that the Decision of the Assistant Barrister in any of the Cases aforesaid shall be subject to such Appeal as herein-after provided in other Cases of Civil Bill Ejectments for Nonpayment of Rent.

The Warrant for Execution in Ejectment for Nonpayment of Rent shall state the Amount due for Rent and Costs, and upon Payment thereof, with Fees, Execution shall be stayed.

LXXVII. Upon every Sheriff's Warrant under a Decree in any Civil Bill Ejectment for Nonpayment of Rent there shall be a Statement of the Amount of the Rent then due, according to the Affidavit of the Landlord or his Agent verifying the Ejectment, and of the Plaintiff's Costs; and if at any Time before Execution executed the Defendant or Tenant shall pay to the Sheriff the said Sums for Rent and Costs, together with One Moiety of such Sheriff's Fees for such Execution as would be legally payable if such Execution had been executed, such Sheriff shall stay such Execution, subject nevertheless to any Order which may be made by the Court from which such Execution shall have issued, and the Sheriff shall indorse on such Civil Bill as a Return thereto the Receipt by him of such Rent, Costs, and Fees.

LXXVIII. Every

Ejectments.

Remedy for obtaining Arrears of Rent.

LXXVIII. Every Lessor or Landlord recovering Possession by such Decree as aforesaid shall and may have the same and like Remedy for all Arrears of Rent to the Time of the Execution of the said Decree as such Lessor or Landlord might have had if Possession had not been obtained under such Decree.

As to Ejectment on Title.

LXXIX. The Chairman of the County of *Dublin*, and the several Assistant Barristers, and the Recorder of the County of the City of *Dublin*, and the several Recorders herein mentioned, shall and they are hereby authorized and empowered to hear and determine within their respective Jurisdictions all Disputes and Differences respecting the Possession of any Lands, Tenements, or Hereditaments held under any Grant, Lease, or other Instrument for any Term or Interest the Duration or Extent whereof when originally granted or created did not or shall not exceed Three Lives, without any Provision for the Renewal thereof, or a Term of Sixty-one Years determinable on Three Lives, or Three Lives with a concurrent Term of Years not exceeding Sixty-one Years, or a Term of Sixty-one Years absolute, and the yearly Rent reserved or payable in respect whereof under such Grant, Lease, or other Instrument shall not exceed Twenty Pounds, and in respect of which no Fine exceeding Twenty Pounds shall appear on the Face of such Grant, Lease, or other Instrument to have been paid on the granting or Execution of such Grant, Lease, or other Instrument, or held under a Parole Demise for a Term not exceeding Three Years at a Rent not exceeding Twenty Pounds, whether any Fine was paid upon the Creation of the same or not, or held for any Term or Tenancy from Year to Year at a Rent not exceeding such Amount as aforesaid; and every Person claiming such Possession may proceed by Civil Bill in the Court for the Division of the County or Riding wherein such Lands, Tenements, or Hereditaments or any Part thereof shall be situate, for Recovery of such Possession.

As to Ejectment on Acknowledgments.

LXXX. The said Chairman, and the several Assistant Barristers, and the said Recorders, shall and they are hereby respectively authorized and empowered to hear and determine within their respective Jurisdictions all Disputes and Differences respecting the Possession of Lands, Tenements, or Hereditaments held under an Acknowledgment in or substantially according to the Form (11.) in the Schedule (C.) to this Act annexed, between the Plaintiff in the Civil Bill Decree, to which such Acknowledgment shall refer, or on which the same shall be founded, or any Person claiming or deriving under him, and any Occupier who shall have signed as aforesaid such Acknowledgment, or any Person claiming or deriving under him.

As to Service of Bill in such Cases.

LXXXI. Every Civil Bill Process brought for the Recovery of the Possession of any Lands, Tenements, or Hereditaments held in

Ejectments.

in the Manner specified in either of the Two immediately preceding Provisions shall be duly served upon all and every Person or Persons who shall be in the actual Possession of the Lands, Tenements, or other Hereditaments specified in and claimed by any such Civil Bill, and also such other Person or Persons (if any) as shall be interested in the same or in any Part thereof, under any registered Conveyance; and if there be not any Person in the actual Possession of such Lands, Tenements, or Hereditaments, then the affixing of such Civil Bill to or upon some conspicuous Part of the Premises so claimed, and upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if there shall be any in the Parish), and also upon the Door or Gate or upon One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any in the Parish wherein the said Premises shall be situated), shall be and be deemed to be good and sufficient Service of such Civil Bill; and it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up of Possession of such Lands, Tenements, or Hereditaments to the Party entitled thereto.

As to Ejectments against Tenants at Will or permissive Occupants.

LXXXII. And whereas Owners of Land in *Ireland* are often Sufferers by Caretakers, Servants, Herdsmen, and other Persons holding over the Possession of Lands and Premises which they do not hold under any Lease or Parol Demise, but strictly at Will or by Sufferance, or merely by Permission: Be it enacted, That if any Person who shall have been heretofore, or shall hereafter be, by the Owner of any Land, Tenements, or Hereditaments, or by his Agent, Receiver, or Bailiff, put or let into occupation or possession thereof by Permission, or as Servant or Caretaker, or as Tenant strictly at Will or by Sufferance, shall refuse or omit to quit and deliver up Possession of the said Premises, on Demand made by the Owner thereof, or his known Agent or Bailiff, it shall and may be lawful for such Owner, his Heirs, Executors, Administrators, or Assigns, (after such Demand and Refusal or Omission to deliver up the same,) to proceed by Civil Bill Ejectment Process for the Recovery of the Possession thereof against such Person or Persons so in occupation or possession, or any Person or Persons being or claiming to be in occupation or possession by, through, or under such Person or Persons; and it shall and may be lawful for the respective Assistant Barrister, Chairman, or Recorder to hear and determine such Civil Bill in the same or like Manner as he is hereby empowered in Cases of Ejectment against over-holding Tenants, and to make a Decree or Dismiss thereon: Provided always, that nothing in this Provision contained shall be deemed to affect or prejudice any Right or Remedy which any such Owner of Land, his Heirs, Executors, Administrators, or Assigns, might have used or exercised in such Case for taking or obtaining the actual Possession of such Premises, if this Act had not been passed.

LXXXIII. That

Ejectments.

What the Civil Bill in Ejectment Cases shall specify.

LXXXIII. That in every Ejectment by Civil Bill, the Civil Bill in Cases between Landlord and Tenant shall specify the Names of the Landlord or Lessor and Tenant or Tenants respectively, the Nature of the Tenancy, the Description of the Premises, and the Baronies or Parishes wherein the same shall be respectively situated, and the Rent at which the same shall be then or had been last holden; and also, in Cases where the Proceeding shall be grounded on Desertion, the Fact of Desertion by the Tenant, and the Amount of Rent due, after all fair and just Allowances, and the Insufficiency of Distress to countervail the same; and in Cases where the Proceedings shall be grounded on the Tenancy having determined, the Fact of the Determination of such Tenancy, and the Means by which the same shall have been determined, and Refusal to deliver up Possession; and in Cases where the Proceedings shall be grounded on Nonpayment of Rent, the Amount of the Rent due after all fair and just Allowances, and up to what Gale Day due; and in Cases where the Proceedings shall be grounded on a Claim respecting the Possession of Lands, Tenements, and Hereditaments held under any Grant, Lease, or other Instrument, or by Parol Demise, or as Tenant from Year to Year, the Name and Residence of the Claimant, the Description of the Property sought to be recovered, and the Barony or Parish where situate, and how the said Lands and Tenements were held, whether for Lives or Years, or by Parol Demise, or from Year to Year; and in Cases where the Proceedings shall be grounded on the Tenancy having determined, and when such Tenancy was created by Agreement after a Decree for Delivery of Possession obtained by an Ejectment, the Fact of the Determination of such Tenancy, and the Means by which the same shall have been determined, and the Refusal to deliver the Possession, and where the Occupation was permissive the Fact of its having been so, and of a Demand and Refusal of Possession, and the Truth of the Contents of the said Civil Bill, shall be verified by the Affidavit of the Landlord or Lessor or Owner, his known Agent or Receiver, such Affidavit to remain in the Custody of the Clerk of the Peace of the County in which such Bill shall be filed.

Where Tenement in question shall be situate in Two Counties, Proceedings to be in either of them, &c.

LXXXIV. If any Lands, Tenements, or Hereditaments touching which any Proceeding by Civil Bill shall be had in pursuance of this Act shall be situate in Two or more Counties, such Proceeding shall be in any One of such Counties; and the Sheriffs of the respective Counties in which any Part of such Tenement or Premises shall be, and in which such Proceedings shall not be had, shall, so far as relates to the Portion of such Tenement or Premises within their respective Bailiwicks, execute such Decree as shall be made on such Civil Bill, upon Delivery to him or them of a Copy thereof, signed by the Chairman, Assistant Barrister, or Recorder who

Ejectments.

Assistant Barrister to have Jurisdiction in a City or Town which is a County of itself.

who shall have made such Decree: Provided always, that if any Tenement shall be situate in the whole or in part within the County of any City or Town which is a County of itself, except the County of the City of *Dublin*, the Assistant Barrister of the County at large having Jurisdiction for other Purposes within such County of a City or Town, and the Justices of the Peace for such County at large, shall have the same Jurisdiction and exercise the same Powers with respect to such Tenement as if the same had been situate in the County at large, anything in this Act or any Law or Usage to the contrary notwithstanding: Provided also, that in all Cases where it may happen that the Assistant Barrister, or the said Chairman or Recorder, as the Case may be, shall be the Landlord, Lessor, or Owner, or shall claim to be entitled to the Possession of any Lands, Tenements, or Hereditaments situate in Two or more Counties, and where any Part of the same shall be situate within his respective Jurisdiction, and that he shall be desirous to institute Proceedings in respect of the said Tenements or Premises under or by virtue of this Act, such Proceedings shall be in the County or Place without the Jurisdiction of such Assistant Barrister, Chairman, or Recorder where the other Part of such Lands, Tenements, or Premises may still be situate.

In case Assistant Barrister sues for Lands situate in his own Jurisdiction, Proceedings to be had in a Place without his Jurisdiction.

Assistant Barrister, being a Landlord in his own Jurisdiction, may proceed by Civil Bill before Assistant Barrister of any adjoining County.

LXXXV. And whereas it is reasonable, in Cases where it may happen that the Chairman, or any Assistant Barrister, or the Recorder, is the Landlord or Lessor of or claims to be entitled to the Possession of any Lands or Tenement, within his own Jurisdiction, that Provision should be made for extending to such Chairman, Assistant Barrister, or Recorder the Benefits of this Act: Be it therefore enacted, That in every such Case it shall and may be lawful for such Chairman, Assistant Barrister, or Recorder to proceed by way of Civil Bill respecting such Lands or Tenements before the Chairman or any Assistant Barrister of any of the Counties next adjoining to that wherein such Lands or Tenements shall be so situate, in the same Manner as any other Landlord or Claimant might proceed respecting any other Tenement before such Chairman or Assistant Barrister; and an Appeal shall lie from any Decree of such Chairman or Assistant Barrister upon such Civil Bill to the Judge at Nisi Prius, or the next going Judge of Assize, as the Case may be, in the same Manner, and subject to the same Restrictions, Conditions, and Limitations, as are applicable to other Civil Bill Decrees and Dismisses, as herein provided.

Appeal.

Service of Ejectment off the Premises on the Wife, Child, or Servant of

LXXXVI. Whenever it shall happen that the Defendant in any Ejectment Proceeding brought for the Recovery of any Lands, Tenements, or Hereditaments under the Provisions of this Act shall not be resident on such Lands, Tenements, or Hereditaments, the Delivery

Delivery of any Notice or Process to such Defendant in Person, or, at the Dwelling House or Place of Residence of such Defendant, to his Wife, or to any Child or Servant of such Defendant, or to the Father, Mother, Brother, Sister, or other Relation of the said Defendant or of his Wife residing with the said Defendant, and being of the Age of Sixteen Years or upwards, shall in all Cases be deemed good and sufficient Service of any such Notice or Process, although such Defendant or Defendants shall not be resident, or his or their Dwelling House or Houses or Place of Residence shall not be situate, on the Lands or Tenements comprised in such Ejectment, or to which such Notice or Process shall relate, any Law, Usage, or Custom to the contrary in anywise notwithstanding: Provided always, that if a Defendant shall have gone out of *Ireland*, and shall have left his Wife and Family residing in the Dwelling House usually occupied by him while in *Ireland*, Service of the Process in Ejectment upon his Wife or any Member of his Family, being of the Age aforesaid, at such Dwelling House, shall be deemed and taken as good Service of the Process upon the Defendant, so as to enable the Landlord or Owner to obtain a Decree for the Possession of said Lands.

Defendant at Dwelling House deemed good Service.

LXXXVII. If any Lands or Tenements, or any Part of any Lands or Tenements, for which any Proceeding by Civil Bill Ejectment shall be had under the Authority of this Act, shall be in any extra-parochial Place, and there shall be any Chapel or Place of Public Worship in such extra-parochial Place, all Processes and Copies of Certificates before required to be fixed on the Door or Gate or on the Pier of the Door or Gate of a Parish Church or Roman Catholic Chapel in Places not extra-parochial shall be fixed on the Door or Gate or on One of the Piers of the Door or Gate of such Church, Chapel, or Place of Public Worship in such extra-parochial Place; and if there shall be more than One such Church, Chapel, or Place of Worship, then such affixing upon any One, in manner aforesaid, shall be sufficient.

How Ejectment Process shall be fixed in extra-parochial Places.

LXXXVIII. In all Proceedings under this Act by Civil Bill Ejectment for Nonpayment of Rent the Affidavit of the Landlord or Lessor, or his Agent or Receiver, for ascertaining the Amount of the Rent due, shall be admissible.

Affidavits of Landlords admissible in Ejectments.

LXXXIX. In all Cases of Ejectment by Civil Bill, as between Landlord and Tenant, except where the Proceedings shall be grounded on Nonpayment of Rent, the Chairman, Assistant Barrister, or Recorder shall, if required, sign Two Copies of every Decree which shall be made, and also a Memorial thereof, for the Purpose of Registry in manner herein-after mentioned, and that his affixing his

Assistant Barrister to sign Two Copies of Ejectment Decrees for Registry.

Ejectments.

Signature to One of the said Copies shall be witnessed by some Person present at the Time of such Signature; and that it shall and may be lawful for the Landlord or Lessor, if he thinks proper, at any Time between the Termination of the Assizes for the County then next ensuing and the Commencement of the Assizes thereafter next following, to register One Copy of the said Decree in the Office for the Registry of Deeds and Wills in *Ireland*, by lodging a Memorial, and proving the Perfection of the same, in like Manner as is now provided by Law for the registering of Deeds; and that from and after the Registry of the said Decree it shall have the further Effect of a Conveyance to the said Landlord or Lessor of any Interest which the Tenant, or any Person claiming under him, may or might have in and to the said Lands and Premises, freed and discharged from all Leases, Contracts, Mortgages, Debts, Charges, or Incumbrances which the said Tenant, or any Person claiming under him, may have charged, made, or created thereon.

No greater Fee to be demanded for the Registry of a Decree than for Registry of a Deed. Penalty.

XC. If any Person in the said Office for the Registry of Deeds in *Ireland* shall demand or take any greater Fee, Gratuity, or Sum of Money, for or on occasion of the Registry of any of the said Decrees, than he is now by Law entitled to for the Registry of a Deed, he shall forfeit the Sum of One hundred Pounds for every such Offence, to be recovered in an Action of Debt by any Person suing for the same.

Clerk of Peace to keep Books in which Ejectments are to be entered.

XCI. The Clerk of the Peace of each County, and the respective Registrars of the County and County of the City of *Dublin*, shall enter in a Book to be kept for that Purpose all Decrees in Ejectment which shall be made at any Sessions of the Peace of such County or County of a City, and which Entries shall specify the Names of the Plaintiffs and Defendants, and the Tenements recovered, as the same shall be specified in the Civil Bills concerning the same, which Book every Person shall have Liberty to inspect and examine, paying to the Clerk of the Peace or Registrar for such Inspection and Examination the Fee of One Shilling and Eightpence; and that the said Clerk of the Peace or Registrar, within Three Days next after the Close of each Session of the Peace, shall post on the Outside of the Door of the Court House where such Sessions were held a correct List of such Causes in which any Tenements shall have been recovered at such Sessions under this Act, which List shall specify the Parties Names and the Description of the Tenements as set forth in the Civil Bill upon which the same shall have been recovered, upon pain of forfeiting for every such Omission the Sum of Ten Pounds, to be recovered by Civil Bill by any Person suing for the same: Provided always, that the Omission

to

to make such Entry or posting shall not invalidate or in any way affect any Decree, or the Recovery of the Possession of any Lands or Premises.

Ejectments.

XCII. It shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, and they are hereby respectively required, in Cases of Civil Bill Ejectment, on the Request of either Party or his Attorney, to tax the Costs between Party and Party, and to include the same in the Decree or Dismiss, as the Case may be, and further, on the like Request, to tax Costs between Attorney and Client upon any Proceedings that shall have been taken or may hereafter be taken for the Recovery of the Possession of Lands or Tenements under the Provisions of this Act, and no Clerk of the Peace shall have any Power to tax the same, and no Fee shall be payable for such Taxation; and no Attorney shall be entitled to recover any Sum against any Client for or by reason of any Proceedings in Ejectment under this Act, or any Preparation for such Proceedings, unless the same shall have been previously taxed in manner herein provided; and it shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, and they are hereby respectively required, to examine upon Oath (which Oath they are hereby respectively authorized to administer) the Attorney seeking to charge such Client, as to all Matters and Things which it may appear to the said Chairman, Assistant Barrister, or Recorder necessary to ascertain for the due Taxation of the said Costs: Provided always, that no Sum shall be allowed to the Plaintiff's Attorney for any Searches for Incumbrances affecting the Lands and Tenements, unless he shall have received Directions in Writing from the Plaintiff or his Land Agent authorizing him to make the same.

Assistant Barrister, &c. to tax Costs of Ejectments.

No Attorney entitled to recover until such Costs are taxed.

Assistant Barrister to examine Attorney on Oath as to Costs.

XCIII. The Forms in the Schedule (C.) to this Act annexed (marked 12, 13, 14, 15, 16, and 17), or any other Forms to the like Effect, may be used in the respective Cases in the said Schedule mentioned, as and for the Process in such Cases; and the Forms in the said Schedule (marked 18, 19, 20, 21, 22, and 23), or any other Forms to the like Effect, may be used in the respective Cases in the said Schedule mentioned, as and for the Decrees in Ejectment; and the Form (marked 24) in the said Schedule, or any other Form to the like Effect, may be used by the Magistrates in the said Act mentioned, as and for a Certificate for Desertion; and the Form (marked 25) in the said Schedule, or any other Form to the like Effect, may be used for the Affidavit ascertaining the Rent due, to enable the Magistrates to grant such Certificate.

Forms to be used in proceeding by Ejectment under this Act.

XCIV. It

Ejectments.

Assistant Barrister may order Costs to be paid by One Defendant in Ejectment only.

XCIV. It shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, upon the Hearing of any Ejectment, where there shall be more than One Defendant, upon his pronouncing a Decree, to order and direct that the Costs of such Ejectment Proceedings shall be paid by and recovered from One or more of such Defendants by Name, and not from the other or others of them.

Sheriff to execute all Decrees for Possession within One Fortnight.

Fee for the same.

Sheriff may grant Warrant to Special Bailiff for Execution of Decree.

Fee for such Warrant.

XCV. It shall be lawful for every Sheriff or Under Sheriff, and he is hereby required, in every Case in which no Special Bailiff shall have been appointed at the Nomination of the Plaintiff, as herein-after provided, to execute all Decrees for delivering the Possession of any Lands, Tenements, or Hereditaments within One Fortnight after the same shall be so delivered to him; and every such Sheriff or Under Sheriff shall be entitled to and be paid a Sum of One Pound One Shilling, and no more, in every Case where he shall so execute the same: Provided nevertheless, that it shall be lawful for the Sheriff or Under Sheriff, and he is hereby required, if called on by the Plaintiff so to do, to grant his Warrant to a Special Bailiff, at the Plaintiff's Nomination, in like Manner as for the Execution of any other Civil Bill Decree; and that it shall and may be lawful for such Special Bailiff to whom such Warrant shall be granted, together with his Assistants, to execute the same by delivering the Possession of the Lands, Tenements, or Hereditaments therein named to the Plaintiff to whom the same shall have been decreed, or to any Person appointed by the said Plaintiff to receive the Possession on his Behalf; and in every Case where the said Sheriff or Under Sheriff shall grant his Warrant to a Special Bailiff for executing any such Decree for delivering Possession as aforesaid he shall be entitled to and be paid the Fee of Two Shillings and Sixpence, and no more.

Title to Lands, &c. not to be drawn into question.

XCVI. The Title to Lands, Tenements, and Hereditaments (except in the Cases herein-before mentioned) shall not be drawn into question in any Proceeding by Civil Bill under this Act; and every Defendant in every Civil Bill shall be entitled, on the Hearing of such Civil Bill, to every Defence which he may have at Law or in Equity.

Regulation of the Courts.

Courts of Chairman, &c. to be Courts of Record.

XCVII. The Courts held by the said Chairman, Recorder of *Dublin*, or Assistant Barristers, and every of them, for hearing and determining Causes by Civil Bill as aforesaid, shall be respectively Courts of Record.

Time for sitting at Sessions.

XCVIII. The Court for the Hearing of Civil Bills, and of Quarter Sessions, shall, after the First Day of every Sessions, commence its

its Sittings, in the Months of *December* and *January*, not earlier than Nine nor later than Ten of the Clock in the Forenoon, and in other Months not later than Nine of the Clock in the Forenoon, save when prevented by the Illness or unavoidable Absence of the Assistant Barrister, or other Fatality, and shall at once proceed with the criminal or civil Business, after the Assistant Barrister shall be in attendance; but no Decree or Proceeding shall be in any Manner impeached or questioned in consequence of any Trial or Civil Bill having been commenced or heard at any Time before or after any of those Hours; and that no Trial or Case, criminal or civil, or other Business, shall be entered upon after the Hour of Six of the Clock of the Afternoon of any Day, nor shall any Civil Bill be called on after that Hour, except at the Request of both Parties.

Civil Bills to be heard at every Sessions in alphabetical Order, except Assistant Barristers vary the same.

May be heard in Baronial or other Divisions.

XCIX. All Civil Bills, save Ejectments and Replevins, shall be heard and determined at every Sessions in alphabetical Order according to the Surnames of the Plaintiffs, and be entered accordingly in the Book of the Clerk of the Peace, save and except in any Case or Cases where the Assistant Barrister shall see Reason to vary the same: Provided always, that nothing herein contained shall prevent any Assistant Barrister from hearing and determining such Civil Bills in such Baronial or other Divisions as to him shall seem meet; provided that within such Divisions they shall be heard and determined in alphabetical Order as aforesaid, and provided that such Assistant Barrister shall give Three Months Notice of his Intention to hear and determine such Civil Bills in such Baronial or other Divisions.

Jury may be summoned for Trial of all Actions except in Ejectment and Replevin.

C. That in all Actions other than in Ejectment and Replevin when the Amount claimed shall exceed the Sum of Twenty Pounds, it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action, and such Jury shall be summoned in the Manner herein-after mentioned; provided always, that the Party requiring a Jury to be summoned shall, Eight Days previous to the First Day of the Sessions at which said Jury may be so required, give to the Sheriff or leave at his Office a Notice in Writing setting forth that a Jury was demanded by such Party for the Trial of such Action; and such Notice shall contain the Names of the Parties to the said Action, and the Sessions to which said Process is returnable; and the said Jurors so to be summoned by the Sheriff shall be taken from the List of Persons now or at any Time hereafter liable to serve as Jurors at the Assizes or Quarter Sessions of the respective Counties; and the Sheriff shall cause so many of the Jurors of the said Court as in his Opinion he shall deem sufficient (but not less than Twelve) to be summoned to attend the said

Regulation of the Courts.

Court at a Time and Place to be mentioned in the said Summons, and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Assistant Barrister shall direct, not being more than Five Pounds for each Default; same to be recovered as Fines imposed on defaulting Jurors are now recoverable; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to the Wife or Servant or any Inmate at his usual Place of Abode, not less than Three Days before the Day mentioned in said Summons for his Attendance, shall be deemed good Service: Provided also, that no Person shall be summoned or compelled to serve on such Jury more than twice within One Year, or who shall have been summoned and shall have attended any Jury at the Assizes, or any Court of Nisi Prius, or at the Quarter Sessions, within Six Calendar Months next before the Delivery of such Summons: Provided also, it shall be lawful for the said Sheriff to summon any Person to act on such Jury for the Trial of such Actions as aforesaid who may be summoned to serve on Juries for the Trial of Criminal Cases at the same Sessions: Provided also, that whenever there are any Jury Trials Six Jurymen shall be empannelled and sworn as Occasion shall require to give their Verdicts in the Causes which shall be brought before them in the said Court, and being once sworn, shall not need to be re-sworn at each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors, in the like Manner as he would be entitled in any of the Superior Courts; and the Jurymen so sworn shall be unanimous in their Verdict: Provided also, that all Civil Bill Cases which shall be tried by any such Jury shall be tried and heard on such Day of the Sessions to which such Civil Bill Process shall be returnable, as to the Assistant Barrister shall seem fit: Provided always, that in case any Assistant Barrister upon any Hearing, or any Judge of Assize upon any Appeal, shall think it proper to have any Fact or Facts controverted in any Cause at Hearing before him tried by a Jury, in such Case a Jury, consisting of not less than Three nor more than Twelve Persons, shall be returned instantly by the proper Officer to try such Fact or Facts as shall seem doubtful to such Assistant Barrister or Judge, and the Assistant P[illegible] or Judge shall proceed to make his Decree or Dismiss on the Verdict of such Jury, or as he shall deem fit.

Power to issue Summonses to Witnesses.

CI. For the Purpose of procuring the Attendance of Witnesses in the Civil Bill Courts it shall and may be lawful for the respective Clerks of the Peace of or acting for the several Counties and Counties of Cities and Towns in *Ireland*, upon the Request of any Person, a Party to any Proceeding by Civil Bill, whether Ejectment or other, to

to issue a Summons in the Nature of a Subpœna ad testificandum or Duces tecum, directed to any Person in *Ireland*, requiring him personally to appear and give Evidence before the Assistant Barrister, or before the Judge on Appeal, by whom the Matter in dispute is to be heard and determined; and in case any Person so served with any such Summons, without sufficient Cause shall not attend pursuant thereto, and produce any Deeds, Documents, Papers, or Writings required by such Summons to be produced, it shall and may be lawful for the said Assistant Barrister, or Judge on Appeal, upon Proof that proper Service thereof had been duly made in sufficient Time before the Day for Appearance named therein, of the Sufficiency whereof the Assistant Barrister or Judge on Appeal is to determine, and that the reasonable and suitable Expenses of such Person had been paid or tendered to him at the Time of such Service, to award such Fine against any such Person who shall not attend, not exceeding Ten Pounds, as the said Assistant Barrister or Judge on Appeal shall deem fit and proper, he the said Assistant Barrister or Judge on Appeal causing to be filed of Record in his Court an Affidavit of the Time, Place, and Manner of the Service of such Summons, and of the Payment or Tender of such Expenses, to be made by the Person proving the same, which said Fine shall be paid or payable to the Party or Parties at whose Instance and Request the said Summons shall have been issued: Provided always, that it shall and may be lawful for the Assistant Barrister or Judge on Appeal to tax and award against the unsuccessful Party in any Proceeding by Civil Bill such Sum or Sums of Money as and for the Expenses of Witnesses residing out of the District or Division in which such Civil Bill shall be heard not exceeding Five Pounds in the Case of any One Witness, and not exceeding Two Pounds in the Case of any One Witness residing within the Jurisdiction of the Assistant Barrister; or if the Assistant Barrister or Judge on Appeal shall think fit, it shall be lawful for him to award a certain limited Sum to be paid for or in lieu of all the Costs of all Witnesses, but not in any Case exceeding the Rate aforesaid; and the Costs so awarded, when payable by a Defendant, shall be recoverable in like Manner as and with and in addition to the Sum ordered to be paid by him in the Decree or Order of the Assistant Barrister or Judge of Assize on Appeal, and when payable by a Plaintiff shall be recoverable in like Manner as herein provided as to the Costs of a Dismiss: Provided also, that upon the Hearing of any Ejectment or other Civil Bill it shall be lawful for the Assistant Barrister or Judge on Appeal, in his Discretion, to receive in Evidence Proof of the Handwriting of any Party or of any subscribing Witness to any Instrument whatsoever, upon satisfactory Proof being given before him that such Party or Witness resides out of the County where such Civil Bill shall be so heard.

Regulation of the Courts.

Fine for Non-attendance.

Expenses of Witnesses summoned from another County to be taxed against the unsuccessful Party.

Handwriting of Party or subscribing Witness may be proved when out of Jurisdiction.

CII. The

Regulation of the Courts.

Parties may appeal to the Oath of each other.

CII. The Parties, Plaintiff and Defendant, shall in all Ejectment and other Cases be mutually at liberty to appeal each to the Oath of the other, provided that a Notice in Writing be served on the Party so intended to be examined at least Three Days previous to the Commencement of the Sessions; but the Assistant Barrister or Judge on Appeal may dispense with the Examination of any Party in any Case in which he may think it expedient so to do; and if he shall deem it to be a Case in which he ought not to dispense with the Oath of such Party, it shall be lawful for such Assistant Barrister or Judge on Appeal, in case of the Non-attendance of any Plaintiff, either to dismiss the Process without Prejudice, or to nil the same, or in case of the Non-attendance of any Defendant, and the Plaintiff thereby failing to prove his Case, to impose on such Defendant a Fine not exceeding Five Pounds, to be recovered by Civil Bill: Provided always, that in case a Defendant shall by such Notice require the Attendance at the Hearing of the Civil Bill of any Plaintiff therein who shall reside out of the Jurisdiction wherein such Civil Bill is to be heard, he shall at the Time of the Service of such Notice pay or tender to such Plaintiff his reasonable Expenses (the Reasonableness thereof to be determined by the Assistant Barrister or Judge upon Appeal); and in the event of the Defendant's omitting so to do such Plaintiff so residing out of the Jurisdiction shall be excused from Attendance in compliance with such Notice, and the Cause shall proceed and be determined as if no such Notice had been served; but in the event of such Expenses having been paid or tendered, and of the Non-attendance of the Plaintiff, or of his Attendance and of the Plaintiff's Case being dismissed, the Sum paid to the Plaintiff shall be added to the ordinary Costs of such Dismiss: Provided also, that it shall be lawful for the Assistant Barrister to examine on Oath any Party who shall be in Court, although no Notice may have been served upon such Party.

Civil Bill for Fines for Non-attendance.

CIII. It shall and may be lawful for any Party at whose Instance any Summons or Notice shall have issued, requiring the Attendance of any Person as a Witness, or of the opposite Party to be examined, when the Person so summoned as a Witness, or the Party noticed to attend, shall not have attended in pursuance of said Summons or Notice, as the Case may be, and shall have been fined for such Non-attendance, to proceed by Civil Bill against such Person or Party for Recovery of the Amount of the Fine so awarded, together with such Expenses as may have been paid to such Witness in the Civil Bill Court of the Division of the County or Riding in which such Person or Party shall reside, and the Certificate, signed by the Clerk of the Peace of the County in which such Fine had been imposed, or by his Deputy, upon Proof of the Handwriting of such

such Clerk of the Peace or Deputy, shall be conclusive Evidence that the Person so fined for Non-attendance had been duly called in Court, and did not attend, and had been fined for Non-attendance in the Amount stated in such Certificate: Provided always, that on the Hearing of such Civil Bill it shall and may be lawful for the Assistant Barrister to receive Evidence on the Part of the Defendant in such Civil Bill to satisfy him the said Assistant Barrister that the said Defendant had not been served with the Summons or Notice, or had not been served in sufficient Time to enable him to have attended, or that there was a reasonable and just Excuse for the Non-attendance of the said Defendant; and the Assistant Barrister shall be at liberty to pronounce a Decree, either for the full Amount of such Fine or for any smaller Sum, or a Dismiss, and with or without Costs, as he may under the Circumstances think fit.

Regulation of the Courts.

CIV. In case any Plaintiff in any Civil Bill shall be desirous to appeal to the Oath of the Defendant in such Civil Bill, it shall be lawful for such Plaintiff to cause a Notice in Writing annexed to the Civil Bill Process to be served upon such Defendant at the Time of the Service of the Civil Bill, or upon his Wife, Child, Clerk, or Servant, or Relative of the Defendant or of the Defendant's Wife, aged Sixteen Years and upwards, residing in his Dwelling House, setting forth that the Plaintiff in such Civil Bill requires the personal Attendance of the said Defendant upon the Hearing of such Civil Bill, to be examined on Oath touching the Matters therein contained, and that in default of his Appearance for that Purpose an Application would be made to the Assistant Barrister for a Decree founded upon the Affidavit of the Plaintiff; and in such Case, if the Defendant shall not appear upon the said Civil Bill being called on for Hearing, the Assistant Barrister shall postpone the same, so as to enable the Plaintiff to make an Affidavit setting forth the Facts of the Case, and such Circumstances, if any, as in his Judgment would justify the Court in making a Decree, and also the Amount then justly due to him by the Defendant in such Civil Bill, over and above all just and fair Credits and Allowances; and such Affidavit shall be filed and kept with the Records of the County or Riding where the same shall have been sworn, and the Party so swearing such Affidavit shall be liable to be prosecuted for Perjury in case any false Statement shall be contained in the same; and it shall be lawful for the Assistant Barrister, upon due Proof of the Service of the said Process, and such Notice annexed thereto as aforesaid, and upon being satisfied that the said Defendant was resident at the Time of the Service other than personal at such Dwelling House where such Service was made, and was not at the Time of the Hearing of the said Civil Bill disabled by Sickness or other sufficient Cause from attending thereat, and

Decree pro confesso.

upon Consideration of the Matter of such Affidavit, and upon Examination on Oath of the Plaintiff, in case he shall think fit to examine him, and if he shall be satisfied of the Justice of the Claim of the Plaintiff, to make a Decree for such Sum as to him shall seem just, or to decline making any Decree: Provided also, that in case any Decree shall be made it shall appear on every such Decree so made as last aforesaid that the same was made upon the Affidavit of the Plaintiff filed in the said Court, specifying the Date thereof.

Process not to be void for technical Errors.

CV. No Action or Proceeding under or by virtue of this Act shall be treated or considered as invalid on account of any verbal or technical Error in the same; and it shall be lawful for every Assistant Barrister, or Judge on Appeal, to decide and determine what is a verbal or technical Error or Mistake in any Action or Proceeding, but all Errors or Mistakes which have not a Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Variances.

Assistant Barristers may amend Variances and correct Misjoinders.

CVI. It shall and may be lawful for the several Assistant Barristers, and Judges on Appeal, and they are hereby respectively empowered, in all Cases, to amend all Variances between the Statement of the Cause of Action in any Civil Bill or other Process or Proceeding in their respective Civil Bill Courts, and the Evidence in support of such Cause of Action, and also to amend all Variances, Omissions, and Misdescriptions in the Descriptions, Additions, and Residence of the Parties or any of them, or otherwise howsoever of or in any such Process, or between the Original and any Copy or Copies thereof, provided such last-mentioned Variances, Omissions, or Misdescriptions shall not, in the Opinion of the Assistant Barrister, be calculated to mislead the Defendant or Defendants therein; and in every Case of any Misjoinder of Parties or Causes of Action it shall and may be lawful for every Assistant Barrister to strike out of the Process the Name or Names of any One or more Plaintiffs or Defendants, or any Count or Counts in such Process, by reason of whom or which such Misjoinder shall arise, and thereupon to proceed therein as to Justice shall appertain.

Evidence.

Official Copy of Judgment to be Evidence.

CVII. In every Proceeding before the Court of the Assistant Barrister or of the Judge of Assize upon Appeal an Office Copy of any Judgment, Decree, or Order made by or before any Court of Law or Equity in *Ireland*, certified to be a true Copy by the proper Officer of such Court of Law or Equity, as the Case may be, shall, upon Proof of such Officer's Handwriting, be deemed and taken as *primâ facie* Evidence of such Judgment, Decree, or Order of such Courts respectively: Provided always, that in every Civil Bill Proceeding under

under this Act, where it may become necessary to prove the Appointment of any Person to be a Receiver in any Cause in any of the Superior Courts of Equity in *Dublin*, an Office Copy of the Order appointing such Person such Receiver, duly proved as aforesaid, shall be sufficient Evidence of the Appointment of such Person as such Receiver; and it shall not be necessary to produce in proof of such Appointment the Bill and Answer or any other Proceeding in the Cause in which said Person shall have been so appointed such Receiver.

Evidence.

Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts.

CVIII. In every Proceeding before any Assistant Barrister in any Civil Bill Court, or before a Judge of Assize on Appeal, an Office Copy of any original Will or other testamentary Document lodged in any Ecclesiastical Court in *Ireland*, or in the Registry thereof, and which shall appear by such Copy to have been duly proved, and Probate or Letters of Administration thereof granted, shall, upon due Proof of the Signature of the proper Officer of such Ecclesiastical Court, certifying the same to be a true Copy of such original Will or other testamentary Document, be admitted as *primâ facie* Evidence of the Contents of such original Will or testamentary Document of which it purports to be an Office Copy, without the Production of the original Will or testamentary Document; and the proper Officer of any such Ecclesiastical Court is hereby required to make a Memorandum in Writing upon such Office Copy of the Time at which and the Person or Persons to whom such Probate or Letters of Administration shall have been granted.

Assistant Barrister may grant Time or adjourn the Hearing of a Cause.

CIX. The Assistant Barrister may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Civil Bill, and also may from Time to Time, and to the next subsequent Sessions for the same Division, but not longer, adjourn the Hearing or the further Hearing of any Civil Bill, as to the said Assistant Barrister may seem fit.

Decrees.

Decrees and Dismisses to be in Form in Schedule.

Execution against the Body or Goods.

CX. Every Decree and Dismiss made and signed by an Assistant Barrister, and not otherwise provided for, shall respectively be according to the Forms (26, 27.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will permit; and every such Decree may direct Execution against the Body or Goods of the Defendant, save when by Law it is otherwise provided.

Provision as to Costs.

CXI. Wheresoever any Assistant Barrister shall, in any Civil Bill brought under and by virtue of this Act, grant a Decree, the same shall be with such Costs as are provided by this Act; but in case the Plaintiff in any Civil Bill shall not proceed with the same,

or

Decrees.

or shall fail to establish his Case to the Satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill, with such Costs as are by this Act provided (save as herein-after mentioned), and either without Prejudice to the Plaintiff's proceeding by a new Civil Bill, or on the Merits, as he shall think just.

Decrees may be ordered to be paid by Instalments.

CXII. The Assistant Barrister, upon pronouncing any Decree for any Sum of Money, may order the Time or Times when and by what Instalments the Debt or Damages and Costs for which such Decree shall be obtained shall be paid, and such Decree shall be in the Form (28.) in the Schedule (C.) to this Act annexed; provided, that if the Assistant Barrister shall have made such Order for the Payment of such Sum of Money and Costs by Instalments the said Decree shall not issue against the Defendant until after Default in Payment of some Instalment according to such Order, and immediately upon such Default being made, and Affidavit thereof lodged with the Clerk of the Peace (and which Affidavit any Justice of the Peace is hereby authorized and required to take), the said Decree may issue for the whole, or for such Balance as may then remain due after deducting such Instalment or Instalments as were previously paid.

Where more than One Defendant, a Dismiss may be given in favour of one and a Decree against the other.

CXIII. It shall and may be lawful for the Assistant Barrister, upon the Hearing of any Civil Bill where there shall be more than One Defendant, to grant a Decree, with Costs, against One or more of such Defendants, and to grant a Dismiss as to the other or others of the Defendants, either with or without Costs, as he shall think fit.

Decrees of Assistant Barrister may be signed by his Successor.

CXIV. In case of the Death, Removal, or Incapacity of any Assistant Barrister, it shall and may be lawful for his Successor, or the Barrister for the Time being acting for him, to sign any Order or Decree pronounced by the Barrister so dying or removed, or becoming incapable as aforesaid, and to act in all respects in reference to the Orders made as the Barrister so dying or removed, or being incapable as aforesaid, might have done; and the Order and Decree so signed shall be as valid and effectual as if the same had been signed by the Assistant Barrister who pronounced the same.

All previous Decrees, Orders, &c. to remain in full Force.

CXV. All Decrees and other Proceedings, of every Nature and Kind soever, obtained in any Civil Bill Court in *Ireland*, and in force at the Time of the Commencement of this Act, shall, notwithstanding this Act, remain and be in full Force as long as the same would have been in force and effect if this Act had not been passed, and may be renewed and enforced under this Act.

CXVI. In

Process of Arrest.

When Defendant is exempted from Arrest by virtue of 11 & 12 Vict. c. 28. the Plaintiff may serve a Civil Bill Process, requiring the Defendant to show Cause why Process of Arrest, &c. should not issue.

Form of Civil Bill Process.

CXVI. In all Cases in which any Decree or Order for any Sum in respect of which the Power of Arrest without special Order is taken away under the Provisions of an Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Twenty-eight, and the Plaintiff having obtained such Decree or Order shall not have recovered his Demand out of the Goods and Chattels of such Defendant, it shall be lawful for such Plaintiff to cause a Civil Bill Process to be issued against the Defendant in such Decree or Order, thereby requiring him personally to appear before the Assistant Barrister for the County or Riding at the General or Quarter Sessions for the Division or Place in which such Defendant shall reside, and to show Cause why a Decree should not issue against his Person in respect of such Decree or Order; and such Civil Bill Process shall be according to the Form (29.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will admit; and the respective Assistant Barristers within their respective Jurisdictions shall have Power to hear and determine any such Civil Bill; and the Service, and the several Proceedings of, in, or relating to such Civil Bill, and the Costs of or relating to the same, shall be subject to the like Provisions and Regulations, so far as the same are applicable, as any Civil Bill in other Cases, save as herein otherwise provided.

If Assistant Barrister shall find that Defendant has Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him.

CXVII. At the Hearing of such Civil Bill it shall be lawful for the Assistant Barrister to investigate the Amount of the Debts or Demands due or owing by or claimable against the Defendant, and the Nature and Amount and Circumstances of any Property, of whatsoever kind, he, or any one in trust for him, is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it shall appear that the Defendant, or any one in trust for him, is possessed of or entitled to Property of any kind, which, regard being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against the Defendant and to the Security of his several Creditors, ought, in the Opinion of the Assistant Barrister, to be administered under the Provisions of the Acts relating to Insolvent Debtors in *Ireland*, or that the Defendant is of sufficient Ability to discharge the Plaintiff's Debt or Demand, or that he is in receipt of any Income, Pension, Wages, or Salary, or Monies, which, in the Opinion of the Assistant Barrister, would enable the said Defendant to pay the Demands of the Plaintiff, by Instalments or otherwise, then and in such Case it shall be lawful for the Assistant Barrister to issue a Decree, in like Manner as in other Cases of Civil Bill, to take in Execution the Body of

Process of Arrest.

the Defendant to satisfy the Plaintiff's Demands and Costs, or to issue such Decree, with Stay of Execution for a Period thereby limited, which Decree may be according to the Form (30.) in the Schedule (C.) to this Act annexed, or as the Circumstances of the Case may require; and under any such Decree the said Defendant may be arrested and detained in Custody accordingly, as in other Cases of Execution against the Body under a Civil Bill Decree; but if at such Hearing it shall appear to such Assistant Barrister that there is not Property of the Defendant which ought, in the Opinion of such Barrister, to be administered under the said Acts relating to Insolvent Debtors, or that the Defendant is not of sufficient Ability to discharge the Plaintiff's Debt or Demand, in any such Manner as aforesaid, or otherwise, but that such Defendant in incurring the Debt due to the Plaintiff or other Liability has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, Income, Pension, Salary, or Wages, or shall have charged, removed, pledged, incumbered, or concealed the same, with Intent to defraud his Creditors or any of them, it shall be lawful for the Assistant Barrister, if he shall think fit, by a Decree according to the Form (30.) in the Schedule (C.) to this Act annexed, or as the Circumstances of the Case may require, to order that any such Defendant may be committed to the Common Gaol or House of Correction of the County, District, or Place in which the Defendant is resident, for any Period not exceeding Three Calendar Months, unless the Demand of the Plaintiff be sooner paid, without Prejudice to any Remedies for the Recovery of the Plaintiff's Demand out of the Property or Effects of the Defendant: Provided also, that there shall be no Appeal from any such Decision of the Assistant Barrister, and such Assistant Barrister may dismiss such Civil Bill, either with or without Costs, as he may think fit; and in case of a Dismiss with Costs, the Costs thereof shall be paid by the Plaintiff, or set off against his Demand, as the Assistant Barrister shall direct: Provided also, that if the Defendant in such Civil Bill shall not personally appear as thereby required at such Hearing, it shall be lawful for such Assistant Barrister to proceed to the Hearing of such Case in his Absence, and to make such Decree or Order as might be made on his Appearance, or as the Assistant Barrister shall think fit.

In default of Defendant's Appearance, Decree may be made.

Power to examine or commit at the original Hearing of a

CXVIII. In any Action brought in any Civil Bill Court in any Case where the Power of Arrest without special Order is taken away under the Provisions of the said last-mentioned Act, the Assistant Barrister, at the original Hearing of the Cause, shall have the same

same Power and Authority of granting a Decree against the Person of the Defendant, or of committing him to Prison, as he might have and exercise under the said last preceding Provision in case the Plaintiff had (after a Decree obtained) proceeded specially by a Civil Bill for such Purpose, as in the said last preceding Provision mentioned, anything herein-before contained to the contrary thereof notwithstanding: Provided always, that in any Case in which a Plaintiff shall seek for a Decree against the Person of a Defendant, or for an Order for his Committal at the original Hearing of a Cause, when the Sum demanded shall not exceed Ten Pounds, he shall cause a Notice to be annexed to or endorsed upon the Civil Bill of such his Intention to seek for such Decree or Order: Provided also, that the Committal of a Defendant under an Order, and under any of the Circumstances in the last preceding Provision mentioned, shall not operate as an Extinguishment or Satisfaction of the Plaintiff's Debt or Demand.

Civil Bill in certain Cases.

CXIX. From and after the First Day of *January* in the Year One thousand eight hundred and fifty-two, the Circuits of the Commissioners of the Court for the Relief of Insolvent Debtors in *Ireland* shall be abolished; and that if thereafter any Insolvent Debtor in Custody in any of Her Majesty's Gaols in *Ireland* situated elsewhere than within the County of *Dublin* or the County of the City of *Dublin*, or any detaining Creditor of such Insolvent Debtor so in Custody as aforesaid, shall petition such Court under any Act or Acts relating to Insolvent Debtors in *Ireland*, or if any such Prisoner or detaining Creditor shall have so petitioned prior to the before-mentioned First Day of *January*, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, such Court or a Commissioner thereof shall, after the Schedule of such Prisoner shall have been duly filed, in the Case of any new Petition, and at any Time which to such Court or Commissioner shall seem fit in the Case of any such Petition which shall not have come on for Hearing, or the Hearing of which shall have been adjourned, make an Order referring such Petition for Hearing to the Assistant Barrister within whose Jurisdiction such Insolvent Debtor is in Custody, and shall transmit such Petition and Schedule to the Clerk of the Peace of the respective County for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister, and shall cause the usual Notices to be given; and any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and

Jurisdiction of the Court for Relief of Insolvent Debtors on Circuit transferred to the Assistant Barristers.

Assistant Barrister to whom the Petition as to Insolvents is referred to have the

same Powers as the Insolvent Court, or a Commissioner, for discharging or remanding the Insolvent, &c.

and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, might make, give, or do in the Matters of Petitions heard before such Court or Commissioner under such Acts relating to Insolvent Debtors, and if he shall deem fit shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment; and that every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done thereon in all and every the Matters aforesaid by such Assistant Barrister, shall be forthwith, as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the said Court for the Relief of Insolvent Debtors, signed by such Assistant Barrister and Clerk of the Peace respectively, to be a Record of the said Court for the Relief of Insolvent Debtors, and to be kept as such among the Records thereof; and the said Clerk of the Peace is hereby required to return the same accordingly; and the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, shall have Power to issue his Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent Debtor shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any adjourned Sitting held in the Matter of such Petition; and every such Governor, Keeper, or Gaoler shall obey such Warrant; and the Expense of conveying such Prisoner to any such Quarter Sessions Town where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding Threepence *per* Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town in obedience to any Rule or Order of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town: Provided always, that nothing herein contained shall extend or be construed to deprive the said Court for the Relief of Insolvent Debtors,

Order for bringing the Insolvent before the Assistant Barrister.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

Insolvent Court to have Jurisdiction

Debtors, or a Commissioner thereof, of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees, which can now be lawfully done by the said Court or a Commissioner thereof prior to or pending the Hearing of any such Prisoner before a Commissioner of said Court upon his Circuit: Provided also, that after the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Rehearing of such Petition pursuant to any Order that may be made by the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, as if this Act had not been passed: Provided also, that nothing in this Act contained shall extend to the Case of any Prisoner of unsound Mind.

before and pending an Adjournment.

Exception as to Prisoners of unsound Mind.

CXX. And whereas divers Persons as Sureties have entered into Recognizances to the Provisional Assignee of the Court for the Relief of Insolvent Debtors in *Ireland*, with Conditions that the Insolvents therein named should duly appear as therein mentioned, and it may be necessary that some of such Insolvents should appear before Assistant Barristers under this Act: Be it therefore enacted, That every such Recognizance shall extend to bind the Persons who may have entered into the same, in case the Insolvent Debtor therein mentioned shall not at the Time and Place appointed by any Order made pursuant to this Act duly appear before the Assistant Barrister to whom the Matter of the Petition of such Insolvent shall be referred, and on every adjourned Hearing thereof, or shall not abide by the final Judgment of such Assistant Barrister.

Recognizances of Sureties entered into for enforcing Attendance of Insolvents to bind Persons to appear before Assistant Barrister.

CXXI. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, or of any Assistant Barrister, or of any Officer of the said Court for the Relief of Insolvent Debtors, or of such Assistant Barrister, by virtue of the Provisions of this Act as to Insolvent Debtors, shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto; and that if any

Indemnity to Sheriffs, Gaolers, &c. for anything done under the Act.

Process of Arrest.

Action of Escape, or any Suit or Action, be brought against any such Commissioner or Assistant Barrister, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office in pursuance of the said Provisions of this Act, such Commissioner, Assistant Barrister, Sheriff, Gaoler, Keeper of Prison, and other Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his Action, or a Verdict shall pass against him, or Judgment shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

Retiring Salary to senior Commissioner of the Insolvent Court on his Resignation, &c., and One Commissioner to perform the Duties thereafter.

CXXII. And whereas by reason of the Provisions in this Act contained relating to the Discharge of Insolvent Debtors One Commissioner of the Court for the Relief of Insolvent Debtors in *Ireland* will be sufficient for the Discharge of all the Duties relating to the Office of the Commissioners of the said Court: Be it enacted, That upon the Death, Resignation, or Removal of the senior of the present Commissioners of the said Court at any Time after the passing of this Act the surviving or remaining Commissioner of the said Court shall alone discharge all the Duties of Commissioner of the said Court; and upon the Death, Resignation, or Removal of such surviving or remaining Commissioner it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to appoint in his Place and Stead a Commissioner of the said Court, in such Manner as he or they are now by Law empowered to appoint a Commissioner thereof, and who shall be the sole Commissioner of the said Court; and upon the Resignation or Removal as aforesaid of the said senior of the present Commissioners of the said Court it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct such Superannuation or annual Compensation to be paid to the said Commissioner as they shall think fit; and such Superannuation or Compensation shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* annually, by Four quarterly Payments at the Periods at which any Commissioner of the said Court is now by Law entitled to receive his Salary.

Proviso as to appointing a Deputy in case of Illness.

CXXIII. Provided always, That nothing herein contained shall extend to take away the Power of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* of appointing a Deputy, in the Case of Illness of a Commissioner of the said Court for the Relief of Insolvent Debtors, or other reasonable Cause, according to the Provisions of the Act of the Third and Fourth Years of Her Majesty's Reign, Chapter 107, or of appointing a Commissioner for taking Bail under an Act of the Fourth and Fifth Years of Her Majesty's Reign, Chapter 47.

CXXIV. From

CXXIV. From the Time when the Duties of Commissioner of the said Court for the Relief of Insolvent Debtors shall be performed by a sole Commissioner as aforesaid, the Office of the Registrar of the Commissioner so dying, resigning, or being removed as aforesaid shall be abolished, and such Office shall not be again filled up; and thereupon it shall be lawful for the said Commissioners of Her Majesty's Treasury to order and appoint to be paid to such Person, whose Office shall be so abolished, such annual Compensation as they shall think fit, and the same shall be paid annually out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* by Four quarterly Payments.

Office of One of the Registrars of the Insolvent Court to be thenceforth abolished, &c.

CXXV. And whereas it is expedient to protect, to the Extent hereinafter mentioned, the Tools and actual Necessaries of or belonging to Debtors from being seized in Execution under any Civil Bill, Decree, Dismiss, or Order: Be it enacted, That the Wearing Apparel and Bedding of any Debtor in *Ireland*, and the Tools and Implements of his Trade or Business, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Decree, Dismiss, or Order of any Civil Bill Court against his Goods and Chattels: Provided always, that whether the Value of such Apparel, Bedding, Tools, and Implements shall or shall not exceed the Value of Five Pounds, they shall, to an Extent not exceeding Five Pounds in Value, be protected from such Seizure as aforesaid.

Tools and actual Necessaries of Debtors not to be seized in Execution under Civil Bill.

CXXVI. It shall and may be lawful for every Assistant Barrister in *Ireland*, although he shall not be at the Time within the County of which he shall be such Assistant Barrister, to take any such Affidavit or Affidavits as he is now by Law entitled to take, or as in any way relates to any Action or Proceeding in his Court of Civil Bill Jurisdiction, and to administer the necessary Oath or Oaths for that Purpose; and every such Affidavit shall be of the same Force and Effect, and the Penalty for any false swearing therein shall be the same, to all Intents and Purposes, as if such Affidavit was taken by or before such Assistant Barrister in the Civil Bill Court within his County: Provided always, that every Affidavit relating to or concerning any Action or other Proceeding in his Court of Civil Bill Jurisdiction shall, within Six Days after the Day on which such Affidavit shall be made, be delivered to the Clerk of the Peace of such County, or at the Office of such Clerk of the Peace within such County, to be filed amongst the Records of such Court, otherwise such Affidavit shall be null and void.

Affidavits as to Civil Bill Proceedings may be taken by Assistant Barristers out of their Counties.

CXXVII. It

Appeals.

Appeals may be made to Judge at next Assizes.

Judges of Assize empowered to hear and issue Decree and Execution as herein.

Assistant Barristers to receive Appeal and stop Proceedings, Appellant, if Defendant, first paying, &c. as herein.

If Plaintiff, then to pay, as herein.

CXXVII. It shall and may be lawful for any Person who shall think himself aggrieved by any Decree or Dismiss made or pronounced by any Assistant Barrister to appeal therefrom to the Judge of Assize for the respective Counties in which such Decree or Dismiss shall have been made, at the Assizes next after such Decree or Dismiss shall have been so made or pronounced, and not after such Assizes; and such Judge of Assize is hereby empowered and required to hear the said Cause, and to issue a Decree and Execution thereon, in like Manner as Decrees and Executions are by the said Assistant Barristers to be awarded and issued upon the Hearing of Civil Bills under this Act, and with like Powers relating to the same, and with the like Costs; which Appeal the Assistant Barrister is hereby required to receive, and stop all Proceedings on the Decree or Dismiss pronounced, the Party appealing, if a Defendant, first paying to the Plaintiff the Costs allowed by this Act, or depositing the same with the acting Clerk of the Peace, and in all Cases, except in Proceedings by Ejectment for Nonpayment of Rent, entering before the said Assistant Barrister into a Recognizance of double the Sum decreed, with sufficient Bail to pay the Sum decreed against him, with Costs, in case no Relief shall be had upon the Hearing of such Appeal; and such Recognizance shall be in the Form (31.) in the Schedule (C.) to this Act annexed; and in case the Party appealing be a Plaintiff, then paying the Defendant, or depositing with the acting Clerk of the Peace, the Costs allowed by this Act, and entering before the Assistant Barrister into a Recognizance in the Sum of Forty Shillings, or if the Sum awarded against him by the said Assistant Barrister for Costs shall exceed Forty Shillings, in a Sum equal to the Amount of such Costs, conditioned to pay such Costs as shall be awarded against him on such Appeal, if the same shall be determined against him: Provided always, that in Cases of Ejectment for Nonpayment of Rent Execution shall not be stayed by reason of any such Appeal, unless the Defendant shall deposit with the Clerk of the Peace the Amount of the Rent proved to be due on the Hearing of the Civil Bill Ejectment; and provided also, that, except in Ejectment Cases, no Appeal shall lie against a Dismiss without Prejudice.

If Appearance by Attorney not made, or Recognizance not entered into, Money decreed, &c. may be deposited with

CXXVIII. Any Person who shall think himself aggrieved by such Decree of such Assistant Barrister, and who did not appear by Attorney at the Hearing of the Cause, and shall not have entered into such Recognizance as aforesaid, may deposit the Money decreed against him, and the Costs thereof, in the Hands of the Sheriff, and enter into a Bond of Five Pounds to the adverse Party (such Bond to be free from any Stamp Duty), conditioned to perform and abide the

the Decree of the next-coming Judge of Assize for such County, and on his so doing the said Sheriff shall stop and forbear further Proceedings on the said Decree until the next Assizes, and give the Party appealing a Certificate that such Party has appealed and made such Deposit with the said Sheriff; and the Party appealing shall give Notice to the other Party in the Cause, Six Days at the least before the then next Assizes, that he has made such Deposit with the Sheriff, and intends to appeal to the next-going Judge of Assize, if there shall be sufficient Time to give such Notice after such Deposit so made; and if there shall not be sufficient Time to give Six Days Notice thereof, then the said Party so making such Deposit with the Sheriff shall give as long Notice of such his Deposit made, and Intent to appeal, as he reasonably can, on the Reasonableness of which Notice the said Judge of Assize shall determine; and if he or they shall think the same, on the Circumstances of the Case, insufficient, he or they shall dismiss the said Appeal, and affirm the said Decree or Dismiss, without requiring the Party who obtained the same to prove his Case, if he is unprepared so to do.

Sheriff, upon which Proceedings shall be stopped, &c.

Appellant to give Notice of Deposit Six Days before next Assizes.

Proviso if not Time to give Six Days Notice.

If Notice deemed not sufficient Appeal to be dismissed.

CXXIX. No Assistant Barrister shall receive any Appeal from any Decree or Dismiss by him made or pronounced unless the Attorney who appeared at the Hearing of the Cause in which the same was made or pronounced for the Party desiring to appeal, if any such Attorney did appear, shall first make an Affidavit in Writing according to the Form (32.) in the Schedule (C.) to this Act annexed, before such Assistant Barrister, that such Appeal is not, as he believes, made or to be made for the Purpose of Delay, but that he believes that there is probable Cause of reversing the Decree or Dismiss made in the said Cause, which Affidavit so made shall be kept among the Records of the County by the Clerk of the Peace; and in case the Party intending to appeal shall not have appeared by Attorney at the Hearing of the Cause, and shall not have entered into such Recognizance as aforesaid, but shall offer to deposit the Sum decreed against him in the Hands of the Sheriff, the same shall not be received by the Sheriff, nor the Proceedings therein stopped, unless the Party appealing shall produce to the Sheriff, and deposit with him, an Affidavit made by such Party before some Justice of Peace of the respective County, to the same Effect and of the same Substance as herein-before required to be made before such Assistant Barrister in case of an Appeal lodged before him; which said Affidavits the several Justices of the Peace are hereby empowered and required to take in and for their respective Counties; and such Sheriff is hereby required to transmit such Affidavit to the Clerk of the Peace, to be by him kept among the Records of the Court.

Attorney to make Affidavit that Appeal is not made for the Purpose of Delay.

Affidavit to be kept with Records of County.

If Appearance not made, &c., Deposit not to be received by Sheriff, &c. unless Affidavit is made.

Affidavit to be kept with Records.

Appeals.

Appeal in Cases when Parties appear by Attorney, but are not present to enter into Recognizance.

CXXX. And whereas Plaintiffs and Defendants appearing by Attorney, and not attending in Person at the Quarter Sessions, might be deprived of their Right of Appeal, by reason of their being necessary Parties to the Recognizance to prosecute such Appeal: Be it therefore enacted, That in case of the Absence of any such Plaintiff it shall and may be lawful for him to enter an Appeal, without entering into such Recognizance, upon paying the Defendant, or depositing with the Clerk of the Peace, double the Costs of such Dismiss, and performing the other Requisites herein-before specified in Cases of Appeal (save as to such Recognizance); and it shall and may be lawful for any such Defendant to enter an Appeal on a like Payment to the Plaintiff, or depositing with the Clerk of the Peace, double the Costs of such Decree, and performing the other Requisites as to Appeals herein-before specified (save as to such Recognizance); but a Recognizance in double the Sum decreed, in case of the Absence of the Defendant, shall in every Case be entered into on his Behalf by Two solvent Sureties, to prosecute the Appeal, and to pay the Amount to be decreed against the Defendant, and Costs.

Sheriffs neglecting to pay over Deposit or Sums levied under Decrees liable to pay double to Party aggrieved.

CXXXI. Where any Person shall be entitled to bring an Appeal under the Provisions of this Act, and shall for the Purposes of such Appeal deposit with the Sheriff the Money decreed against him, or any Sum of Money directed by this Act to be deposited with the Sheriff, if the said Sheriff shall neglect to pay over the Sum so deposited with him, or shall refuse or neglect to pay over any Sum levied by virtue of any Execution of such Decree or Dismiss to the Person or Persons entitled thereto, or to such Person or Persons as by him or them shall be lawfully authorized to receive the same, upon Demand made for that Purpose, such Sheriff so offending shall forfeit to the Party aggrieved double the Sum so deposited with or received by such Sheriff, together with legal Interest for the same from the Time of such Demand, to be recovered by Civil Bill before the Assistant Barrister for the County for which such Sheriff so acted, with like Power of Appeal as in the Case of any ordinary Civil Bill.

Appeals from Civil Bill Decrees and Dismisses in the County and City of Dublin to be heard by the Courts provided by the 13 Vict. c. 18. s. 30.

CXXXII. Every Appeal from any Decree, Dismiss, or Order on any Civil Bill of the Recorder of *Dublin*, or of the Chairman of the County of *Dublin*, shall be made to and heard by such Court as is in that Behalf provided by an Act passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in* Ireland; and the Party appealing shall give to the Party who shall have obtained such Decree, Dismiss, or Order, or to his Attorney, Four Days Notice of the Time appointed by the Court for the Hearing of the same; and such Appeal, and the several Matters relating

relating thereto, shall in other respects be subject to the like Provisions and with like Powers as in Cases of Appeals to Judges of Assize. *Appeals.*

CXXXIII. Such Decrees and Dismisses as shall be made and pronounced by such Chairman, Recorder, and Assistant Barristers respectively shall, in case there shall be no Appeal therefrom, be absolutely final to all Intents and Purposes, and shall not be subject to be removed, by any Writ of Error or otherwise, to any other of Her Majesty's Courts, or capable of being reversed; and that in case of an Appeal from any such Decree or Dismiss to the next going Judge of Assize, or in the County or County of the City of *Dublin* to the Court herein-before provided, the Order or Decree of such Courts shall in like Manner be absolutely final to all Intents and Purposes, and shall not be removed to any of Her Majesty's Courts, by Writs of Error or otherwise, and shall not be capable of being reversed.

If no Appeal, Decrees and Dismisses final.

If Appeal made, the Decree of Judge of Assize final.

CXXXIV. In all Cases where it shall happen that there are Two or more Defendants, and that the Chairman, Recorder, or Assistant Barrister shall decide that One or more of said Defendants is or are liable to the Plaintiff's Demand, and that the other or others of said Defendants is not or are not liable to same, and shall accordingly direct a Decree to issue against One or more of the said Defendants, and at the same Time a Dismiss against another or others of them, it shall and may be lawful in all such Cases for the Defendant or Defendants against whom such Decree has been made to appeal in the same Manner and under the same Restrictions and Provisions as if there was but One Defendant in the Cause.

Where several Defendants, and where Assistant Barrister dismisses as to One and decrees as to the other or others, the Defendant or Defendants so decreed may appeal.

CXXXV. In all Cases where there shall be several Plaintiffs or several Defendants it shall be lawful for any One or more of such Plaintiffs to appeal against a Dismiss, and for any One or more of such Defendants to appeal against a Decree, pronounced by the Assistant Barrister, although the other or others of said Parties, Plaintiffs or Defendants, shall refuse or decline to join the said Plaintiff or Defendant so desirous of appealing: Provided always, that such Decree or Dismiss so appealed against shall not, pending such Appeal, be executed against the Party or Parties not appealing.

One of several Plaintiffs or Defendants may appeal without the others.

CXXXVI. Where in any Civil Bill there shall be several Plaintiffs and several Defendants, and all or more than One of such Plaintiffs, or all or more than One of such Defendants, as the Case may be, shall appeal from the Decree or Dismiss of the Chairman, Recorder, or Assistant Barrister, and after the lodging of such Appeal

Death of Parties not to abate Suit where several Plaintiffs or Defendants, but may be prosecuted by Survivor.

Appeals.

Appeal any of such Parties, Plaintiffs or Defendants, shall die (in case of a Plaintiff or Plaintiffs) leaving another Plaintiff or other Plaintiffs surviving, and (in case of a Defendant or Defendants) leaving another Defendant or other Defendants surviving, such Appeal shall not abate by such Death or Deaths, but the same may be proceeded with at the Suit of the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, or *vice versâ*, as the Case may be.

Notices on Parties below to be good in Cases of Appeal.

CXXXVII. In all Cases where any Party to any Civil Bill shall have given Notice in Writing to the opposite Party to produce, upon the Hearing of said Civil Bill before the Chairman, Recorder, or Assistant Barrister, any Document, or any Notice of Set-off, or any Notice of any other Kind or Description whatsoever, it shall not be necessary for such Party or Parties so having given such Notice to renew the same upon or for the Hearing of any Appeal that may be brought in such Case, but any such Notice so given for the original Hearing of the Civil Bill shall be effectual in like Manner upon the Appeal.

Opinion of the Court of Appeal on the Question of Law.

CXXXVIII. In all Cases of Appeal from any Civil Bill Decree or Dismiss it shall be lawful for the Chairman, Recorder, or Assistant Barrister, in case he shall be of opinion that a Question of Law only is involved in such Proceeding, by Consent of the Parties respectively, to state a Special Case under his Hand for the Opinion of the Judge on Appeal upon such Question of Law, and thereupon like Proceedings shall be had, and a like Decision given upon such Appeal and Special Case, and subject to like Provisions as in other Cases of Appeal, save that, without further Proof of the Facts of the Case, the Decision of the Court of Appeal shall be given upon such Special Case.

Renewals of Decrees

Decrees and Dismisses in force for One Year, and may be renewed every Six Months.

No Renewal of Decree for Possession, except for Costs.

CXXXIX. Every Decree and Dismiss made and signed by any Assistant Barrister shall be in full Force and Effect for One Year from the Date of the same, and that the same, if not before executed, may be renewed from Time to Time once in every Six Months, or as near thereto as the Time for holding the several Sessions will permit: Provided always, that no Civil Bill Decree for Possession of any Lands or Tenements, or any Affirmance of such Decree, (except in the Case of a Renewal under the Eighth Section of an Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and eleven,) shall be renewed, save for the Costs thereby decreed.

CXL. No

CXL. No Decree shall be at any Time renewed until the Plaintiff in such Decree, or One of the Plaintiffs, if there be more than One, or in case of the Death of a sole Plaintiff then his or her personal Representatives, or One of them, and in case of more than One Plaintiff, the surviving Plaintiff, or One of the Representatives of a deceased Plaintiff, shall have made Affidavit, or an Affirmation in Cases where an Affirmation is by Law allowed, before the said Assistant Barrister for the County in which such Decree was made or pronounced in open Court held as aforesaid for such Division, which Affidavit or Affirmation shall be in the Form 33. in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will admit, and shall state the Names of the Parties in the original Cause, the Sum for which such Decree was made, and the Sum then remaining due or unpaid to the Plaintiff or Plaintiffs, or their personal Representatives, on the Foot of the said Decree, after all just Allowances; provided that if the Person swearing such Affidavit or making such Affirmation was a Party in the original Cause as personal Representative to some other Person, or if such Person so swearing or affirming shall seek to renew any Decree or Dismiss as Executor or Administrator of One of the Parties in the original Cause, it shall be sufficient for such Person to swear or affirm that such Sum still remains due, after all just Allowances, as he or she verily believes: Provided also, that in the Absence of the Party to the original Decree it shall be lawful for the known Agent or Receiver of such original Party to make such Affidavit, in which Case the Words "One of the Parties," in the Form of the Affidavit specified, shall be omitted, and instead thereof shall be substituted (known Agent or Receiver (as the Case may be) to *C.D.*, Plaintiff or Defendant (as the Case may be), and that such Person so making the said Affidavit may add at the End thereof these Words, "as he doth verily believe."

Decree not renewed till Affidavit in Schedule made.

Provision as to Representatives.

Affidavits for Renewal of Decrees or Dismisses may be made by Agent or Receiver, with Alterations herein direct

CXLI. No Dismiss shall be at any Time renewed until the Defendant who shall have obtained the same, or One of the Defendants, if there shall be more than One Defendant, or in case of the Death of a sole Defendant then his or her personal Representatives, or One of them, and in case of more than One Defendant the surviving Defendant, or One of the Representatives of a deceased Defendant, shall have made Affidavit, or an Affirmation in Cases where an Affirmation is by Law allowed, in like Manner and Form, *mutatis mutandis*, as is herein-before provided in the Case of renewing a Decree; which Affidavit so sworn or Affirmation made, and signed by and with the Name or Mark of the Person so swearing or affirming it, as well where the Party shall seek to renew a Decree as a Dismiss, shall be written or printed on the same Piece of Paper with the Renewal of the said Decree or Dismiss, filled and prepared for the said

Dismiss not renewed till Affidavit made.

Affidavit on Renewal of Decree or Dismiss to be written on same Paper with Renewal, pre-

pared for Assistant Barrister to sign.

And may renew Decree or Dismiss, as herein.

Affidavit to be kept with Records of County.

said Assistant Barrister to sign; and when such Affidavit or Affirmation shall have been sworn or affirmed, the said Assistant Barrister shall sign his Name thereto, testifying that the same was sworn before him in open Court; and the said Assistant Barrister shall and may then renew such Decree or Dismiss (by signing such Renewal) for the whole original Sum and Costs, if the whole shall be due, or for such Sum as shall be sworn or affirmed to remain due, as the Case shall happen, together with the Costs of such Renewal; and thereupon the said Affidavit or Affirmation shall be separated from the said Renewal, and shall be delivered to the Clerk of the Peace for the County or his Deputy, and shall be kept among the Records of the County.

Decrees or Dismisses may be renewed by Plaintiff or Defendant, or their Executors, &c.

CXLII. It shall be lawful for any Plaintiff or Defendant, or surviving Plaintiff or Defendant, or the Executor or Administrator or Assignee of any Plaintiff or Defendant who shall have become bankrupt or insolvent, or the Husband of any Plaintiff or Defendant, by whom any Decree or Dismiss was obtained, to renew any Decree or Dismiss, or any Affirmance or Reversal of any Decree or Dismiss of the Assistant Barrister affirmed or reversed on Appeal against any Defendant or Plaintiff or surviving Defendant or Plaintiff, or the personal Representatives of such Parties respectively; provided that all such Renewals shall be subject to the same and the like Conditions and Regulations as are herein prescribed: Provided always, that it shall not be lawful for any Assistant Barrister to grant a Renewal of any Civil Bill Decree or Dismiss, Affirmance or Reversal, when Two Years shall have elapsed after such Decree or Dismiss, Affirmance or Reversal, shall have been pronounced, nor at any Time to grant such Renewal to or against any Person not being an original Party to such Civil Bill, unless upon Proof made in open Court that the Party seeking such Renewal caused Notice in Writing, according to the Form (34.) in the Schedule (C.) to this Act annexed, to be served upon the Person against whom it is sought to renew such Decree or Dismiss, Affirmance or Reversal, setting forth the Particulars of such Decree, and the Amount for which the Application to renew such Decree is proposed to be made, such Notice to be served in like Manner as Civil Bill Processes are hereby required to be served, and at the like Time previous to the First Day of holding the Civil Bill Court to which such Application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like Manner as any ordinary Civil Bill.

No Renewal after Two Years, except upon Notice.

Notice to be served of Renewal when to be granted to any but the original Parties.

Decrees, &c. previous to this Act may be renewed.

CXLIII. All Decrees and Dismisses which shall have been made or pronounced by any Assistant Barrister, Chairman of the Sessions of the Peace for the County of *Dublin*, or the Recorder of the City of *Dublin*,

Dublin, before the Commencement of this Act, may, subject to the Regulations aforesaid, be renewed before any of the Assistant Barristers for the Time being for the Counties respectively in which the said Decrees or Dismisses have been heretofore made, or before such Chairman or Recorder, as the Case may be.

Renewals of Decrees.

CXLIV. No Decree or Dismiss already made or pronounced, or hereafter to be made or pronounced, by any Assistant Barrister, shall be renewed at any Time after Six Years from the Time of the making or pronouncing the same, but the Debt and Costs therein shall, after Seven Years from the making of the original Decree or Dismiss, be absolutely extinguished, and shall not be capable of being enforced by any Proceeding whatsoever; and such Decree or Dismiss, or Renewal thereof, shall not be revived or kept in force by any parol Evidence or Promise to pay the same or any Part thereof, or by any Evidence of a Part Payment thereof: Provided nevertheless, that if the Defendant or Defendants shall execute any new Security in Writing for such Debt or Costs such new Security shall be of full Force and Effect in Law.

Decree or Dismiss not to be renewed after Six Years made.

CXLV. All Decrees and Orders of the said Civil Bill Courts which shall have been signed before the Commencement of this Act, and remaining unexecuted, and all Decrees and Orders of such Courts hereafter to be signed, shall be executed by the Sheriffs of the several Counties, Counties of Cities and Towns, or, at the Request of the Plaintiff, by any Person authorized by the said Sheriffs, by special Warrant, to act as Bailiff, at the Peril of the Party making such Request; and that the several Sheriffs of the several Counties of Cities and Counties of Towns shall make such Warrants and execute such Executions in and for their respective Bailiwicks, upon all Decrees and Dismisses or Orders to be executed within their respective Bailiwicks, and do all and every Matter relative thereto, and to Appeals therefrom, and with the like Fees, as is herein mentioned respecting the Sheriffs of the several Counties at large.

Execution of Decrees.

Sheriffs to execute Decrees.

Sheriffs of Counties of Cities and of Towns to make Warrants, &c. in like Manner as Sheriffs of Counties at large.

CXLVI. Any Person employed as a Bailiff in any Civil Bill Decree shall have full Power and Authority to sell Goods taken in Execution by him, by Public Auction, without the Assistance of a licensed Auctioneer.

Bailiffs may sell Goods taken in Execution.

CXLVII. No Cattle or Goods taken in Execution under any Decree or Dismiss shall be driven or carried to any Place more than Five Miles distant from the Place where they were taken; and that such Cattle or Goods shall be sold by public Cant to the highest and best Bidder, between the Hours of Ten in the Forenoon and Four in

Cattle, &c. not to be taken more than Five Miles; and then publicly sold between

Ten in the Forenoon and Four in the Afternoon, giving Four Days Notice of the same.

in the Afternoon on such Day and at such Place as the Sheriff or his Bailiff shall appoint, first causing Notice in Writing entitled in the Cause of the Time and Place intended for such Sale to be posted up Four Days previous thereto in the next Market Town at the usual Place of posting up public Notices; and the Plaintiff in such Decree shall be entitled to receive and retain out of the Proceeds of such Sale a Sum of Money for the Expenses of Bailiffs in charge of the Property taken (if such Property shall remain in charge of Bailiffs), over and above the Amount of the Decree, at the Rate of One Shilling and Sixpence for each Bailiff for every Twenty-four Hours that he shall be so in charge: Provided always, that the Number of Bailiffs for whom the Plaintiff may so charge shall not exceed Two, and the Length of Time for which he shall charge shall not exceed Five Days; provided also, that the Plaintiff in such Decree, or the Person or Persons so driving or carrying away such Cattle or Goods, or selling them, otherwise than as herein directed, shall forfeit to the Person aggrieved by the same double the Value of the said Cattle, to be recovered by Civil Bill under this Act.

Penalty of double the Value of the Cattle on selling, &c. otherwise than as herein.

Persons driving or taking Cattle or Goods between Sunset and Sunrise, guilty of a Misdemeanor.

CXLVIII. If any Cattle or Goods shall be taken and carried away under any Decree or Dismiss, or under colour of any Decree or Dismiss obtained upon any Civil Bill, between the Hours of Sunset and Sunrise, the Person or Persons so taking and carrying away the same shall be deemed guilty of a Misdemeanor, and being convicted thereof shall suffer such Punishment by Fine or Imprisonment, or both, as to the Court who shall try the Case shall seem meet; and in any Indictment for this Offence it shall be sufficient to allege generally that the Party or Parties fraudulently, contrary to the Intent of this Act, carried away such Cattle or Goods between the Hours of Sunset and Sunrise, without describing more particularly the Circumstances of such Offence; and the Property in the Goods and Cattle so taken shall not be altered by any Sale thereof.

Property not altered by Sale.

Decree may be given in Evidence under General Issue.

CXLIX. In any Case where the Decree, Dismiss of any Civil Bill Court, or any Warrant thereon, may be set up as a Defence to any Action in any Superior Court, it shall not be incumbent on the Party to plead such Decree, Dismiss, or Warrant thereon specially, but it shall be lawful for him to plead the General Issue, and to give the Decree, Dismiss, or Warrant thereon respectively in Evidence as special Matter.

Where Goods of a Third Person are taken under a Decree, that Person,

CL. And whereas Difficulties may arise in the Execution of any Decree or Order made under this Act against Goods, by reason of Claims being made to the Property of such Goods by Persons not being the Parties against whom such Decree or Order has issued, and it

it is reasonable to afford a cheap and expeditious Mode of adjudicating on such Claims: Be it enacted, That when any Goods taken under any Decree, Order, or Process of any Civil Bill Court in *Ireland* shall be claimed by any Person who is not a Party to such Decree, Order, or Process, it shall and may be lawful for the said Person so claiming such Goods so taken as aforesaid, or his Agent, to make an Affidavit before any Justice of the Peace for the County wherein such Goods shall have been seized under such Decree, Order, or Process, (and which Affidavit such Justice is hereby empowered to take and receive,) to the Purport that the said Goods are the *bonâ fide* Property of the Person so claiming the same; and it shall and may be lawful for the Sheriff of the County where such Goods shall be so seized, upon the Lodgment with the said Sheriff of such Affidavit, and of the Amount of the Sum mentioned in such Decree, Order, or Process, where the Value of the Goods so seized shall exceed or be equal to the Amount of the Sum mentioned in such Decree, Order, or Process, or, in the event of the Value of the Goods so claimed being less than the Sum so mentioned, then such Sum as shall be equal to the Value of such Goods, (such Value to be ascertained by any Appraiser appointed by the said Sheriff for taking Replevins,) to issue an Order for the delivering up of such Goods to the said Person so claiming the same, or to cause the same to be delivered up accordingly; and the said Sheriff shall, within Eight Days from the Day of Lodgment of such Affidavit as aforesaid, transmit same to the Office of the Clerk of the Peace, to be there filed, and shall hold the said Money so deposited with him to abide the Order or Decree of the Assistant Barrister in respect of the same, as herein-after mentioned; and the Person so claiming the said Goods, and depositing the said Money with the Sheriff as aforesaid, shall cause a Civil Bill Process to be served on the Plaintiff or Party in such Decree, Order, or Process at whose Suit such Goods shall have been taken, stating that he claims the same as his Property, and the said Civil Bill shall be returnable to the Quarter Sessions for the Division of the County in which such Seizure was made next after such Deposit with the said Sheriff, provided that the same can be served on the Defendant in due Time for such next Quarter Session, and if not then to the Session for the Division next following, and not after; and the said Civil Bill as to the said Claim of Property shall be served, heard, and determined as any ordinary Civil Bill, and the said Assistant Barrister shall make a Decree or Dismiss thereon, as he shall think fit, with Costs; and if the said Claim of Property shall not be substantiated to the Satisfaction of the Assistant Barrister, then the said Sheriff shall and he is hereby required, upon the Production to him of a Dismiss in such Case, or, in case of the Non-production of a Decree for the Plaintiff therein, within

on making Affidavit, and lodging the Amount of the Civil Bill, or the Value of the Goods, with Sheriff, to have the Goods re-delivered to him.

Claimant to bring a Civil Bill at the next Session against Plaintiff in Decree, and Barrister to make a Decree or Dismiss thereon.

Sheriff to pay the Money over to Party entitled.

within Ten Days from the Termination of the Sessions at which such Civil Bill ought to have been brought, without further Order, pay over the Monies so deposited to the Defendant in such last-mentioned Civil Bill, and Credit shall be given by such Defendant for the same out of the Amount due on the original Decree, Order, or Process; and in like Manner, upon the Production to the Sheriff of a Decree in favour of the Claimant of the said Property, the said Sheriff shall pay back to the said Claimant the said Sum of Money so deposited with him as aforesaid: Provided always, that it shall and may be lawful for the Assistant Barrister before whom such Claim of Property shall be tried, if he shall think fit, and Damages shall be claimed in the Process, to give Damages, not exceeding in any Case Five Pounds, for the original Taking of the said Goods, as well as to make an Order for the Payment of the said Deposit to the Claimant; provided also, that if any Person or Persons shall decline or refuse to deliver up the Goods so taken upon any Decree, Order, or Process under this Act, after Production to him or them of the Order of the Sheriff for that Purpose, or shall retake such Goods under the same Decree or Order under which the same were so originally taken, such Person or Persons so offending shall be deemed guilty of a Misdemeanor, and liable to be punished accordingly; and in any Indictment for this Offence it shall be sufficient to allege generally that the Party knowingly and wilfully declined and refused to deliver up such Goods, or retook the same, (as the Case may be,) after Production to him of the said Order of the said Sheriff; and provided also, that nothing in this Provision contained shall debar the Party claiming the Goods as aforesaid from any Remedy to which he would have been entitled if this Act had not been passed, instead of proceeding under this Provision.

Damages may be given for original Taking.

Party refusing to deliver up the Goods on Sheriff's Order, or retaking them, guilty of a Misdemeanor.

Miscellaneous Provisions.

Power to Assistant Barristers to fine Clerks of Peace, Sheriffs, and Attornies guilty of any Breach of Duty.

And may fine or commit to Prison Persons for disturbing the Court, &c.

CLI. It shall and may be lawful for every Assistant Barrister, from Time to Time as there shall be Occasion, of his sole Authority, and at his Discretion, to fine the Clerk of the Peace, or his Deputy, of all Counties and Ridings respectively, and all Sheriffs of Counties and Counties of Cities and Counties of Towns respectively, where Courts for deciding Causes by Civil Bill shall be held, who shall respectively be guilty of any Breach of Duty in the Execution of this Act, in any Sum not exceeding Five Pounds, and, of his sole Authority, and at his Discretion, to fine in any Sum not exceeding Forty Shillings, or, at his Discretion, to commit to Prison for any Time not exceeding a Fortnight, any Person whomsoever who shall disturb the Court so to be held by him for the hearing and determining Causes by Civil Bill, or for any other Contempt of the said Court.

CLII. In

CLII. In all Actions and Proceedings by Civil Bill the Fees specified in the Schedule (D.) to this Act annexed shall be established and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified by the respective Officers therein mentioned, and no other Fees or Payments shall be recoverable for the Discharge of such Duties; and that every Clerk of the Peace, or his Deputy, Attorney, Sheriff, Bailiff, or Process Officer, who shall receive any greater Fee, Gratuity, or Emolument, or other Consideration, for any of the Services specified in the said Schedule, shall forfeit and pay the Sum of Ten Pounds Sterling for every such Offence, to be recovered by Civil Bill by any Person who may sue for the same.

Fees specified in Schedule to be deemed lawful Fees.

Penalty for taking larger Fees.

CLIII. The several Fees mentioned and set forth in the Schedule (D.) to this Act annexed in that Behalf shall be the Fees chargeable against any Party, Plaintiff or Defendant, as between Party and Party, upon any Civil Bill brought under the Provisions of this Act; and no other Fee or Charge shall be made in any Bill of Costs between Party and Party, or in any Decree or Dismiss, other than those set forth in said Schedule.

Fees in Schedule chargeable against unsuccessful Party.

CLIV. Such of the Fees specified and set forth in the said Schedule (D.) as are thereby made payable to Clerks of the Peace of the different Counties in *Ireland* for entering Civil Bills, and for signing Decrees or Dismisses, and signing and entering Renewals, shall be payable to the Registrar of the present Chairman of the County of *Dublin*, and the Clerk or Registrar of Civil Bills for the City of *Dublin* respectively, only in Ejectment, Replevin, and Legacy Cases, and in Cases over which an entirely new Jurisdiction is hereby created, and in all other Cases the Fees payable to the said respective Registrars at the Time of the Commencement of this Act shall remain unaltered, and continue payable to the Registrar of the Chairman of the County of *Dublin*, so long as the said Office of Registrar shall continue and no longer, and with respect to the Fees payable to the Registrar of the Recorder of the City of *Dublin* so long as the present Registrar shall continue in Office and no longer: Provided always, that upon the Death, Removal, or Resignation of the said Chairman of the County of *Dublin*, and upon the Death, Removal, or Resignation of the present Registrar of the Recorder of the City of *Dublin*, the Fees at present payable to them respectively shall cease to be so payable, and in lieu of same the respective Persons appointed to succeed said respective Registrars shall receive and be paid the several Fees by this Act appointed to be paid to the several Clerks of the Peace, and none other, and shall at the First Sessions at

Fees payable to the Registrar of the City and County of Dublin.

Miscellaneous Provisions.

On the Appointment of an Assistant Barrister for the County of Dublin the Office of Registrar shall cease, and the Duties be transferred to the Clerk of the Peace or his Deputy.

at which they shall respectively attend after their respective Appointments, and at the Commencement of such Sessions, take and sign the Affidavit hereby appointed to be made and subscribed by Clerks of the Peace upon their respective Appointments; provided also, that from and after the Time at which the Office of Chairman of the County of *Dublin* shall cease by reason of the Death, Resignation, or Removal of the Person now holding said Office, and so soon as the Appointment of an Assistant Barrister for the said County shall be made in the Manner provided by this Act, the Office of Registrar of the County of *Dublin* shall cease and determine; and all Acts, Duties, and Functions which now by Law belong and appertain to the said Office of Registrar, or which are done or performed, or ought to be done or performed, by the said Registrar, shall belong and appertain to the Office of Clerk of the Peace for the County of *Dublin*, and shall be done and performed by the said Clerk of the Peace or his Deputy: Provided also, that the Practice of the said Courts of the Chairman of the County of *Dublin* and the Recorder of the City of *Dublin* in respect to the Registrars of their respective Courts shall continue during the Continuance of the Office of Chairman of the County of *Dublin* and of the present Registrar of the Recorder of the City of *Dublin* respectively, anything in this Act contained to the contrary notwithstanding.

Table of Fees to be exposed in some conspicuous Parts of the Office of the Clerks of Peace and Court of Quarter Sessions.

CLV. Every such Registrar and every Clerk of the Peace shall and he is hereby required to cause to be constantly exposed, as well in his Office as also in some particular Place accessible to the Public in every Court of General or Quarter Sessions within his County, a fair and legible Table, painted or printed in Letters and Figures not less than One Half Inch in Length, of the Fees payable upon all Proceedings upon all Civil Bills, and likewise the Penalty to which any Person may become liable for receiving any greater Fee than is set forth in the said Schedule (D.) to this Act annexed for any of the Services therein specified; and that on Proof made on summary Application to the Court of any Neglect or Omission of such Exposure the Registrar or Clerk of the Peace so neglecting shall forfeit any Sum not exceeding Five Pounds, to be paid to the Treasurer of the County within which such Penalty shall be incurred, and accounted for and applied by such Treasurer to the Aid of the Expenditure of such County; and it shall be lawful for the Grand Jury of every County, and they are hereby required, at any Assizes to be held in and for such County, to present the reasonable and actual Expense of preparing and exposing such Tables to be raised by Presentment upon such County, and to be paid to such Registrar or Clerk of the Peace.

Miscellaneous Provisions.

General Orders to be made for regulating the Forms and Manner of proceeding in Civil Bill Courts.

CLVI. It shall and may be lawful for the Assistant Barristers, or for any Five of them, to be selected at a Meeting of the said Assistant Barristers to be convened for the Purpose, and they are hereby required, within Six Months after the Commencement of this Act, to make and issue such General Orders, Rules, and Regulations as they shall think fit for regulating the Forms and Manner of proceeding in the Civil Bill Courts, and for carrying the Provisions of this Act into execution, and for simplifying, establishing, and settling the Course of Practice in the said Courts, and afterwards from Time to Time to annul, alter, or vary any Order or Orders so as aforesaid made, and to make any new General Orders, Rules, and Regulations for the like Purpose; provided that any such Rules, Orders, or Regulations shall not be inconsistent with this Act, or with the Law of *Ireland;* such Orders, Rules, and Regulations to be submitted to the Lord Chief Justice of the Court of Queen's Bench in *Ireland*, for his Approval; and Copies of all such Orders, Rules, and Regulations, when so approved, shall be transmitted to the Clerks of the Peace of the respective Counties in *Ireland*, to be by them kept and preserved in their Offices, and there to remain open at all Times to the public Inspection; and such Orders, Rules, and Regulations shall have the same Effect and be as binding as if they were contained in this Act.

Perjury.

CLVII. If any Person taking an Oath or making a Declaration or Affirmation in any Action, Examination, or other Proceeding under the Provisions of this Act shall wilfully and corruptly swear, declare, and affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly; and if in any such Action, Examination, or other Proceeding the Assistant Barrister shall deem any Witness or Party to have so far wilfully and corruptly sworn, declared, or affirmed falsely as that in his Opinion such Witness or Party ought to be prosecuted at the Expense of the County within which the Witness or Party shall have so sworn, or affirmed, or declared, and shall certify such Opinion in Writing, then and in every such Case, if any Prosecution be instituted, the Court in which such Prosecution shall take place shall make an Order for Payment of the Expenses of such Prosecution by the Treasurer of the County.

All Powers of Assistant Barristers, &c. under this Act conferred upon Chairman of Sessions and Recorders of

CLVIII. All Jurisdictions, Powers, and Authorities by this Act conferred upon the Assistant Barristers of Counties in relation to Proceedings by Civil Bill are hereby conferred upon the Chairman of the Sessions of the Peace for the County of *Dublin* and the Recorder of the City of *Dublin*, and the Recorder of the Borough of *Cork:* Provided always, that, so far as regards the Recorder of the City of

Dublin and of Cork.

of *Dublin*, and the Recorder of the Borough of *Cork*, nothing in this Act contained shall be deemed or taken to abridge or in any Manner affect the Jurisdiction conferred on the said respective Recorders by the Acts of the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, and of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Seventy-three, where such Jurisdiction shall exceed the Jurisdiction conferred by this Act; and that nothing herein contained shall be taken to alter the Mode of Appointment of a Deputy by said Recorders, or of Officers of the Court of the said Recorders, or the existing Power of such respective Recorders to appoint the proper Officers of such Courts for the Service or Execution of the Process of the same under this Act; and if any Doubt shall arise in the Application of this Act as to what Officers of such Courts shall correspond with those named in this Act under Proceedings by Civil Bill, it shall be lawful for such Courts respectively to determine the same.

Proceedings by Civil Bill under 3 & 4 Vict. c. 108., &c. to be had or taken before Recorders of Boroughs, shall be, as near as may be, in the Forms, &c. as by this Act is provided.

CLIX. And whereas by the Act of the Third and Fourth Years of Her Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, Provision is made relating to Proceedings by Civil Bill before Recorders of Boroughs or Towns in *Ireland;* and it is thereby, amongst other things, enacted, that such Proceedings by Civil Bill shall be, as nearly as Circumstances will admit, in the Forms and according to the Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius, as is by Law provided in Cases of Civil Bills determinable before any Assistant Barrister, Chairman, or Recorder, as the Case may be: And whereas, by reason of the Repeal of former Statutes relating to Civil Bills, it is necessary to substitute another Provision in lieu thereof: Be it enacted, therefore, That from and after the Commencement of this Act all Proceedings by way of Civil Bill under said recited Act, or under any other Act not hereby repealed, to be had or taken before any Recorder of a Borough or Town in *Ireland* other than the Recorders of the City of *Dublin* and Borough of *Cork*, shall be, as nearly as the Circumstances of the Case will admit, in the Forms, and subject to the like Provisions as to Stamps and Fees, and according to such Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius of the County or City in which for such Purpose such Borough or any Part thereof shall be situate, and subject to such other Rules and Regulations, as by this Act is provided in Cases of Civil Bills determinable before any Assistant Barrister or Chairman, and with the same Amount and Limits of Jurisdiction: Provided always, that nothing herein contained shall be construed to affect the Manner or Times of holding the Courts of such Recorders for the Hearing of such Civil Bill Proceedings, or to abridge any existing

existing Power of such respective Recorders to appoint the proper Officers of such Courts for the Service or Execution of the Process of the same; and if any Doubt shall arise, in the Application of this Act, as to what Officers of such Courts shall correspond to those named in this Act for the Service or Execution of Process, it shall be lawful for such Courts to determine the same.

Miscellaneous Provisions.

CLX. And whereas, by reason of the Repeal of former Acts relating to Civil Bills, the said Recorders, other than the Recorder of the City of *Dublin* and the Recorder of the Borough of *Cork*, will be deprived of certain Fees to which they were heretofore entitled upon Proceedings by Civil Bill before them: Be it enacted, That every such Recorder, save the Recorder of the City of *Dublin*, shall be entitled within Twelve Calendar Months after the passing of this Act to make a Claim before the Commissioners of Her Majesty's Treasury, for Compensation in respect of the Loss of Fees upon Civil Bill Proceedings to be sustained by him under this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the average Amount of Fees upon Civil Bill Proceedings duly received by such Recorder respectively during the Seven Years next preceding the Date of such Claim, or such other Period as they may in the particular Case think fit, and what were the Fees in respect of which such Compensation should be allowed; and the said Commissioners shall award to the Persons making such Claims such Compensations as they shall think just; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall, within One Month after the same shall be so granted, be laid before the House of Commons, if Parliament be then sitting, and if Parliament be not then sitting, then within One Month after the then next Meeting of Parliament.

As to Compensation to Recorders for Loss of Fees.

CLXI. Nothing herein contained shall be construed to repeal or affect the Provision made by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, enabling the Chairman of the Sessions of the Peace for the County of *Dublin* to discharge the Duties imposed upon him by that Act with regard to the Registry of Voters in and for the City of *Dublin* by Deputy, as therein mentioned: Provided always, that upon the Death or Resignation of the present Chairman as aforesaid it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to nominate and appoint a practising Barrister-

Nothing in this Act to affect Duty of Chairman of County Dublin in registering Voters by a Deputy.

Upon Death, &c. of present Chairman, Lord Lieutenant to appoint a Barrister to

perform the Duties with respect to Registration of Voters.

Barrister-at-Law of Ten Years standing at the least, during good Behaviour, who shall have actually practised Ten Years in Her Majesty's Superior Courts in *Dublin*, and who shall not at the Time of his Appointment to such Office have retired from such Practice, to discharge the said Duties with regard to the Registry of Voters in and for the City of *Dublin*, as fully and effectually as if he had been appointed by a Chairman of the Sessions of the Peace of the County of *Dublin* under the said Act, and subject to like Provisions, and with the like Powers, and to be remunerated in like Manner, as if he had been so appointed.

Interpretation of Terms.

CLXII. In the Construction of this Act the several Proceedings and Duties hereby directed to be had and done in the Office of and by the Clerk of the Peace shall (as regards the County of *Dublin*) be had and done in the Office of and by the Registrar of the Chairman of the Sessions of the Peace of the County of *Dublin*, so long as such Registrar shall continue in Office, and afterwards in the Office of and by the Clerk of the Peace of the said County of *Dublin*, and (as regards the City of *Dublin*) in the Office of and by the Registrar of Civil Bills for the City of *Dublin;* and the Provisions of this Act in relation thereto shall extend to such Registrar of the Chairman of the Sessions of the Peace of the County of *Dublin*, and to such Registrar of Civil Bills; and the Expression "Assistant Barrister" or "Assistant Barristers" shall extend to and include the Chairman of the Sessions of the Peace of the County of *Dublin*, and the Recorder of the City of *Dublin* and the Borough of *Cork*, and the several Recorders herein mentioned, in Civil Bill Proceedings, save and except so far as relates to the Appointment, Salary, retiring Pension, and Continuance in Office of the said Recorders, or so far as it is by this Act in other respects otherwise specially provided; and wherever the Clerk of the Peace is named in this Act the Provision shall extend to the Acting or Deputy Clerk of the Peace, or other Officer discharging the Duties of a Clerk of the Peace; and whenever the Sheriff is named the Provision shall extend to the Sub-Sheriff; and that the Words "Party" and "Person," whenever used in this Act, shall extend to and include any Corporation or public Company; and that all Words importing the Singular Number or Masculine Gender shall be construed to extend to and include many Persons as well as One Person, and Females as well as Males; and the Word "County" or "Counties" shall extend to and include "Counties of Cities and Counties of Towns," and "Riding" or "Ridings" of Counties appointed for Civil Bill Purposes and for all or any Matters relating to General or Quarter Sessions; unless in any of such Cases there be something in the Context or Provision repugnant to or inconsistent with such Construction.

CLXIII. The

CLXIII. The Schedules to this Act annexed shall be deemed and understood as Part of this Act. **Schedules deemed Part of this Act.**

CLXIV. This Act shall commence and take effect from and after the Thirty-first Day of *August* One thousand eight hundred and fifty-one. **Commencement of Act.**

CLXV. This Act shall extend to *Ireland* only, save where the contrary is hereby expressed. **Act to extend only to Ireland.**

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

ACTS TO BE REPEALED.

Date of Act.	Title.	Extent of Repeal.
9 Wm. III. c. 15. -	For the more easy and speedy securing and Recovery of Small Debts.	The whole.
2 Geo. I. c. 11. -	For reviving and amending an Act, entitled "An Act for Recovery of Small Debts in "a summary Way before the Judges of "Assize."	The whole of this Act, except that Part of same which relates to the Amount of Costs in Actions of Trespass and Actions for Battery and Actions for Assault and Slander, where Damages under 40s., viz. Sections 16 and 17.
8 Geo. I. c. 6. -	For the further Amendment of the Law; and for continuing and amending several Acts nearly expiring.	Section 4 of this Act.
1 Geo. II. c. 14. -	For explaining and amending an Act, entitled "An Act for reviving and amending an Act, "entitled 'An Act for Recovery of Small "'Debts in a summary Way before the "'Judges of Assize.'"	The whole.
31 Geo. II. c. 16. -	For the Recovery of Small Debts in a summary Way in the City of Dublin and the Liberties thereof.	The whole.
7 Geo. III. c. 21. -	To continue and amend an Act passed in the Third Year of His Majesty's Reign, entitled "An Act to amend and explain an Act made "in the Thirty-third Year of the Reign of "Henry the Eighth, entitled 'An Act for "'Tythes;'" and for other Purposes therein mentioned.	Sections 6, 7, 8, and 9
19 & 20 Geo. III. c. 26.	For amending the Acts of the Second and Eighth Years of the Reign of His late Majesty King George the First, and of the First Year of His late Majesty King George the Second, for Recovery of Small Debts, in a summary Way, by Civil Bill, as far as they relate to the County of Dublin.	The whole.
27 Geo. III. c. 40. -	For the better Execution of the Law and Preservation of the Peace within Counties at large.	So much of said Act as relates to the appointing of Sessions; also the Appointment of Towns for holding Sessions; the Appointment of Assistant Barristers, and their Salary, and the Duties of same; viz. Sections 14, 15, 16.

Civil Bills, &c. (Ireland.)

Date of Act.	Title.	Extent of Repeal.
31 Geo. III. c. 31. -	For the preventing of Frauds in the Execution of Decrees obtained on Civil Bills.	The whole.
36 Geo. III. c. 25. -	For the better and more convenient Administration of Justice, and for the Recovery of Small Debts, in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, and for continuing and amending an Act, entitled "An Act for the better Execution of the Law and Preservation of the Peace within Counties at large."	The whole.
38 Geo. III. c. 25. -	To amend an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, entitled "An Act for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin," and for continuing and amending an Act, entitled "An Act for the better Execution of the Law and Preservation of the Peace within Counties at large," save and except Section 2, and so much of Section 6 as relates to the Barony of Ballinacor.	The whole.
38 Geo. III. c. 65. -	Appointing Chairman of the Sessions of the Peace in the County of Dublin.	The whole to be repealed from and after the Death, Resignation, or Removal of the present Chairman.
39 Geo. III. c. 16. -	For the further Amendment of an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, entitled "An Act for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, and for continuing and amending an Act, entitled 'An Act for the better Execution of the Law and Preservation of the Peace within Counties at large.'"	The whole.
40 Geo. III. c. 69. -	To enable His Majesty to grant Annuities to the Chairman of the Quarter Sessions of the County of Dublin, and Assistant Barristers of the several other Counties on the Resignation of their respective Offices.	So much of said Act as relates to the retiring Pensions of the Chairman of Kilmainham, and the Assistant Barristers in Ireland, save as to any retiring Pensions heretofore granted to any such Persons now living. Sections 1, 2.
49 Geo. III. c. 101. -	To regulate the Fees payable by Persons charged with Treason, Felony, and all other Offences at Assizes and Quarter Sessions in Ireland; and for amending an Act of the Parliament of Ireland made in the Thirty-sixth Year of His present Majesty relating thereto.	So much thereof as relates to the Division of Counties. Section 5.

Civil Bills, &c. (Ireland.)

Date of Act.	Title.	Extent of Repeal.
54 Geo. III. c. 68. -	For the better Regulation of Ecclesiastical Courts in Ireland; and for the more easy Recovery of Church Rates and Tithes.	So much of said Act as relates to Proceedings for Recovery of Monies under Monitions before Chairman of the County of Dublin and Assistant Barristers. Section 8.
54 Geo. III. c. 131. -	To provide for the better Execution of the Laws in Ireland, by appointing Superintending Magistrates and additional Constables in Counties in certain Cases.	So much of said Act as relates to the Division of Counties into Districts for Civil Bill Courts. Section 20.
54 Geo. III. c. 181. -	To render more easy and effectual Redress for Assaults in Ireland.	So far as same gives a Jurisdiction to Assistant Barristers by Civil Bill, in case of Assaults, to the Extent of Five Guineas.
56 Geo. III. c. 88. -	To amend the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress.	The whole, save Section 14.
58 Geo. III. c. 39. -	To explain and amend an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants; and for the Protection of the Tenant from undue Distress.	The whole.
1 Geo. IV. c. 41. -	To extend the Benefit of Two Acts made in the Fifty-sixth and Fifty-eighth Years of the Reign of His late Majesty King George the Third; for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants.	The whole, except Section 2.
4 Geo. IV. c. 93. -	To divide the County of Cork, for the Purpose of holding additional General Sessions therein.	The whole
7 Geo. IV. c. 36. -	To regulate the Service of the Process of the several Courts for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
1 & 2 Wm. IV. c. 31.	To improve the Administration of Justice in Ireland.	So much of said Act as relates to the Times for holding Quarter Sessions and the Time for fixing same. Sections 9. 11.
6 & 7 Wm. IV. c. 75.	To extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in Ireland.	The whole.

Civil Bills, &c. (Ireland.)

Date of Act.	Title.	Extent of Repeal.
1 Vict. c. 13. -	To amend the Laws for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
5 Vict. c. 33. -	An Act to amend and explain so much of Two Acts of the Sixth and Seventh Years of His late Majesty, and of the First Year of Her present Majesty, as relates to the Execution of Civil Bill Decrees for the Possession of Land in Ireland.	The whole.
6 & 7 Vict. c. 81. -	An Act to make better Provision for the Appointment of a Deputy for the Chairman for the Sessions of the Peace for the County of Dublin, and to provide for the taking of an Oath by the said Chairman or Deputy; and to amend an Act of the First Year of Her present Majesty to amend the Law for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
9 & 10 Vict. c. 111. -	An Act to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Land.	So much of said Act as relates to Proceedings by Civil Bill, but so, nevertheless, that the 8th and the 10th Sections of the said Act shall not be hereby affected or repealed.
11 & 12 Vict. c. 28. -	An Act to amend the Law of Imprisonment for Debt in Ireland, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns in certain Cases.	So much of the said Act as relates to any Civil Bill Court, or to any Action, Civil Bill, or Decree, Process, Evidence, Execution, or Proceeding in or relating to any such Civil Bill Court, save in so far as the said Act limits the Power of Arrest for all Sums not exceeding Ten Pounds; save also in so far as the said Act exempts from its Operation Proceedings relating to Revenue of Excise, or Customs, Stamps, Taxes, or Post Office.
11 & 12 Vict. c. 34. -	An Act to amend certain Acts in force in Ireland in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of Dublin and County of the City of Dublin.	The whole.

SCHEDULE B.

	Counties.	*Salaries of Assistant Barristers.*
Class I. - -	Antrim, Armagh, Clare, Donegal, Down, Galway, Kerry, Kilkenny, Limerick, Londonderry, Mayo, Monaghan, Tyrone,	£1,000 per Annum.
Class II. - -	Cavan, Cork, West Riding, Fermanagh, Leitrim, Queen's County, Roscommon, Sligo, Waterford, Wexford,	£800 per Annum.
Class III. - -	Carlow, Kildare, King's County, Longford, Louth, Meath, Westmeath, Wicklow,	£600 per Annum.

Henry Kemmis, Esq., while Chairman of the Sessions of the Peace of the County of Dublin - - - - - £900 per Annum.

His Successors, being Assistant Barristers for the County of Dublin - £800 per Annum.

The present Assistant Barrister of the County of Tipperary - - £1,600 per Annum

His Successors (as long as the said County shall not be divided into Ridings under this Act) - - - - - - £1,000 per Annum.

The present Assistant Barrister to the East Riding of the County of Cork £1,200 per Annum.

His Successors - - - - - - £1,000 per Annum.

SCHE-

SCHEDULE C.

(1.)

Civil Bill Process in Replevin.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B., of in the County of [*Addition of Plaintiff*], Plaintiff.
C.D., of in the County of [*Addition of Defendant*], Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of for that the Defendant, upon the Day of in the Year One thousand eight hundred and at in the said County and Division, wrongfully and unjustly seized, took, and distrained the Goods and Chattels of the said Plaintiff, to wit, Cows, Horses [*as the Case may be*], and wrongfully detained same in and upon the Plaintiff's House [*or Lands, or as the Case may be*], situate at aforesaid, for £ alleged to be due and owing for Years Rent for said House [*or Lands, as the Case may be*] ending on the Day of to the said Defendant *C.D.*, as Landlord of the said House [*or Lands, as the Case may be*], to the Plaintiff's Damage, in the said Sum of or in default thereof the Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf] of the Plaintiff.

(2.)

Order of Replevin.

The Sheriff of the County of is hereby required, without Delay, to cause to be replevied to *A.B.* (if he shall give sufficient Security), the Goods and Chattels which *C.D.* unjustly detains.

Signed the Day of in the Year One thousand eight hundred and

Y.Z., Clerk of the Peace for the said County of

(3.)

Form of Replevin Bond.

County of
Division of
to wit.

Know all Men by these Presents, that we, *A.B.* of [*Tenant*] and *C.D.* and *E.F.* [*Sureties*], are and each of us is jointly and severally held and firmly bound to *Y.Z.*, Sheriff of the County of in the Sum of of lawful British Money,

Money, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment well and truly to be made we bind ourselves, our Heirs, Executors, and Administrators, and each and every of us binds himself, his Heirs, Executors, and Administrators, firmly by these Presents.

Sealed with our Seals and dated this Day of in the Year One thousand eight hundred and

The Condition of the above-written Obligation is such, that if the above-bounden *A.B.* do prosecute his Suit against *G.H.* of in the Court of the Assistant Barrister for the said County of at the Sessions which will be held for the said County and Division in the Month of . next, for the taking and unjustly detaining of his Goods and Chattels, to wit [*specify the Goods and Chattels*] or do return all the said Goods and Chattels to the said *G.H*, his Executors or Administrators, then the above-written Obligation shall be void, otherwise the same shall be and remain in full force and virtue.

(4.)

Form of a Decree for Defendant in case of Distress.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

Plaintiff.
Defendant.

It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained, and it appearing to the Court that the Distress in dispute was not improperly made, it is therefore ordered and decreed by the Court that the Defendant do recover from the Plaintiff the Sum of for Rent due, and for Costs; and the several Sheriffs of the respective Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Plaintiff to satisfy the same.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Defendant.

[*Sheriff's Warrant to be added.*]

(5.)

Form of a Decree for Payment of Damages for improper Distress.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for said County.

Plaintiff.
Defendant.

It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained by the Defendant, and it appearing to the Court that the Distress in dispute was improperly made, or that the Amount due at the Time of the Distress, with

with reasonable Costs of Distress, had been duly tendered [*as the Fact may be*], it is therefore ordered and decreed by the Court that the Plaintiff do recover from Defendant the Sum of for Damages and Costs; and the several Sheriffs of the respective Counties of Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the same.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Plaintiff.

[*Sheriff's Warrant to be added.*]

(6.)

Civil Bill Process for Legacy or distributive Share of Assets.

County of Division of to wit.	By the Assistant Barrister at the Sessions for the said County.
A.B. of in the County of [*Addition of Plaintiff*], Plaintiff. *C.D.*, of in the County of [*Addition of Defendant*], Defendant.	The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of for that the Defendant, as Executor [*or* Administrator, *as the Case may be*] of *A.B.* deceased, is justly liable to pay the Plaintiff the Sum of as a Legacy [*or* distributive Share of Assets, *or other Cause of Action, as the Case may be*] due and payable to the Plaintiff

under the Will of the said *A.B.*, [*or* upon the Distribution of the Assets of the said *A.B.*, *as the Case may be*], to the Plaintiff's Damages in the said Sum of or in default thereof the Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

(7.)

Form of a Decree for Payment of a Legacy.

County of Division of to wit.	By the Assistant Barrister at the Sessions for said County.
A.B. Plaintiff. *C.D.* Defendant.	It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant, as Executor of *A.B.*, for Recovery of the Sum of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that is due to the

Plaintiff for his Legacy, and that the Defendant ought to pay the same, and the Costs of this Civil Bill [*or Part of the same, as the Case may be*], it is therefore ordered and decreed by the

the Court, that the Plaintiff do recover from Defendant the said Sum of
together with Costs; and the Sheriffs of the several Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Legacy, £
Costs
Warrant

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

[*Sheriff's Warrant to be added.*]

(8.)

Form of a Decree for Payment of a distributive Portion of the Assets of an Intestate.

County of
Division of } By the Assistant Barrister at the Session for said County.
to wit.

Plaintiff
Defendant. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of the Sum of for his distributive Portion as One of the next of Kin of the Assets of of who died intestate, and it appearing to the Court that the Plaintiff is one of the next of Kin of the said and entitled to and that the Defendant is the Administrator of the said and that the Defendant has in his Hands of the Assets of the said a Sum sufficient to pay the Plaintiff's Demand [*or Part of same, as the Case may be*], it is therefore ordered and decreed by the Court, that the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Sheriffs of the several Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Distributive Share, £
Costs
Warrant

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Plaintiff.

[*Sheriff's Warrant to be added.*]

(9.)

Form of Civil Bill to be served upon the Defendant in ordinary Cases.

County of Division of to wit.	By the Assistant Barrister at the Sessions for the said County.
A.B. of in the County of [*Residence and Addition of Plaintiff*], Plaintiff. *C.D.* of in the County of [*Residence and Addition of Defendant*], Defendant.	The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill for [*state the Cause of Action*], or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

(10.)

Form of the Certificate of the Clerk of the Peace, as to the Lodgment of Money by a Defendant for Rent and Costs in a Civil Bill Ejectment Case.

County of Division of	I hereby certify, That *A.B.*, of Defendant in this Cause, has [*or* have] this Day deposited with me the Sum of for Rent, and for Costs.
Plaintiff [*to be here stated and described as in the Civil Bill*]. Defendant [*to be here stated and described as in the Civil Bill*].	Given under my Hand, this Day of in the Year One thousand eight hundred and *F.G.*, Clerk of the Peace for the County of *or* Deputy.

(11.)

Form of Acknowledgment by Occupiers of Lands recovered in Ejectment upon the Execution of a Civil Bill Decree for Delivery of Possession, where the Parties do not agree to an Attornment as Tenants.

Whereas *A.B.* of hath lately obtained a Civil Bill Decree for the Lands and Tenements in the respective Tenancy or Occupation of the Persons under-named respectively amongst other Lands and Tenements.

Now we, whose Names are hereunder subscribed, upon the Execution of the Decree in the said Cause, with the Assent of the said *A.B.* [*or the Attorney for the Plaintiff*] in the said

said Cause, testified by the said Attorney for the Plaintiff signing these Presents, do hereby severally and respectively acknowledge that we respectively hold or occupy the Lands and Tenements now in our respective Occupation, as hereunder specified, by the Leave and Licence, and for and on behalf of, and at the Will of the said *A.B.*, and that we will severally and respectively, when required by the said *A.B.*, or his authorized Agent or Receiver, deliver up to the said *A.B.*, or his authorized Agent or Receiver, the Possession of the said Lands and Premises in our respective Occupation, as set opposite to our respective Names in the Schedule hereunder written. (Provided always, that if the said Lands and Premises shall, in due Course of Law be redeemed, these Presents shall henceforth be void.)

As witness our Hands this Day of in the Year One thousand eight hundred and

Occupiers Names.	Farm or Lands.
C. D. - - -	Blackacre.
E. F. - - -	Whiteacre.
G. H. - - -	House and Garden in Whiteacre [*or as the Case may be*].

I. K., Attorney for the Plaintiff.

Witness, *L. M.*, Sheriff *or* Sheriff's Officer.

(12.)

Form of a Civil Bill to be used where the Tenant has deserted the Premises.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendant.

Whereas the Defendant holds all that and those in the Parish of and Barony of and in the said Division of in the said County, as Tenant to the Plaintiff under a Demise thereof made the Day of the Year of our Lord One thousand eight hundred and for the Term of which is still in being, at the yearly Rent of : And whereas the Sum of for Rent of the said Premises, ending on the Day of last past, became and was due by the said Defendant to the said Plaintiff, and still remains so due after all fair and just Allowances whatsoever: And whereas the said Defendant, on the Day of in the Year of our Lord One thousand eight hundred and deserted the said Premises and abandoned the same, and did not leave sufficient Distress thereon to countervail the Rent so due for the same, and such sufficient Distress cannot be had to countervail the Rent so due The Defendant is therefore hereby required personally to be and appear before the said Assistant Barrister at in the Division aforesaid, in the said County, on the Day of next at a Quarter Sessions to be then and there holden

holden for said Division of said County, to answer the Plaintiff's Bill brought by him for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

(13.)

Form of a Civil Bill to be used where the Tenant's Interest is determined, and Possession has been demanded by the Landlord in Person.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendants.

Whereas One of the Defendants, lately held all that and those in the Parish of and Barony of and in the Division of aforesaid, in the said County, as Tenant to the Plaintiff, under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of at the yearly Rent of which Demise determined on the Day of last, by : And whereas the said Plaintiff, after the Determination of the said Demise, to wit, on the Day of now last past, duly demanded the possession of the said Premises, and a Delivery of the said Possession to him; and the said Possession and the Delivery thereof have and hath been withheld, and the several Defendants are respectively in possession of the Premises, and no other Person is in possession of any Part thereof. The Defendant, therefore, and all Persons claiming to have any Interest in the said Premises, are hereby required personally to be and appear before the said Assistant Barrister at in the said Division of aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of said County, to answer the Plaintiff's Bill brought by him for the Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

(14.)

Form of a Civil Bill where the Tenant's Interest is determined, and Possession has been demanded by a Bailiff or Receiver.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendants.

Whereas One of the Defendants lately held all that and those in the Parish of and Barony of and in the Division of aforesaid, in the said County, as Tenant to the Plaintiff, under a Demise made thereof the Day of in the Year of our Lord One thousand eight hundred and for the Term of at the yearly Rent of which Demise determined on the Day of last past by : And whereas the Bailiff and Receiver of the said Plaintiff, after the Determination of the said Demise, to wit, on the Day of now last past, duly demanded the Possession of the said Premises, and a Delivery of the said Possession to him as such Bailiff and Receiver of the said Plaintiff, and the said Possession and the Delivery thereof have and hath been withheld, and the several Defendants are respectively in possession of the Premises, and no other Person is in possession of any Part thereof. The Defendants therefore, and all Persons having or claiming any Interest in the Premises in question, are hereby required personally to be and appear before the said Assistant Barrister at in the Division of aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of the said County, to answer the Plaintiff's Bill brought by him for the Recovery of the Possession of the Premises, by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E. F., Attorney,
[*Residence of Attorney.*]

(15.)

Form of a Civil Bill to be used where a Year's Rent is in arrear.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of said County.

Plaintiff.

Defendants.

Whereas One of the Defendants, holds that and those with the Appurtenances, situate, lying, and being in the Parish of and Barony of and in the Division of aforesaid in the said County, as Tenant to the Plaintiff under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of which is not yet expired, at the yearly Rent of payable in equal Gales, on every during the said Term [*or*

as

as Tenant from Year to Year, at the yearly Rent of £ payable on every Day of and Day of in each and every Year]: And whereas the Sum of for Rent of the said Premises, ending on the Day of last past, became and was due by the said Defendant to the said Plaintiff, and thereof, being One full Year's Rent still remains due thereon: [And whereas the several other Defendants respectively are in actual Possession of the Premises, or have respectively Interests therein, under Deeds and Instruments duly registered, and creating such Interests respectively, and no other Person, save the Defendants, or some of them, is in such Possession, or appear to have any such Interest:]

Note.—In Cases of Tenancy from Year to Year omit the Words within Brackets.

The Defendants, therefore, and all Persons having or claiming any Interest in the said Premises, are hereby required personally to be and appear before the said Assistant Barrister, at in the Division of aforesaid in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of said County, to answer the Plaintiff's Bill, brought by him for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E.F., Attorney,

To the Defendant, [*Residence of Attorney.*]

(16.)

Form of Ejectment against a permissive Occupant.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendant.

Whereas the said Plaintiff, on the Day of in the Year One thousand eight hundred and delivered to the said Defendant all that and those [Premises, *stating Locality, &c.*] to be by him the said Defendant occupied or taken care of as Servant [*or* Caretaker *or* permissive Occupant, *or* strictly at the Will of the Plaintiff, *or* at sufferance, *as the Case may be, or in Words of Act*] for the said Plaintiff at [*state Wages, if any*]: And whereas the said Plaintiff, on the Day of required the said Defendant to depart from the said Premises, and deliver up same to the said Plaintiff, but the said Defendant refused or omitted so to do, and hath since the said Day kept the Possession of said Premises from said Plaintiff, and continues so to do. The Defendant therefore is hereby required personally to appear before the said Assistant Barrister at in the Division of aforesaid, in the said County, to answer the Plaintiff's Bill brought by him for the withholding of the Possession of the said Premises in manner aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

E.F., Attorney,

To the Defendant. [*Residence of Attorney.*]

(17.)

Form of Civil Bill to redeem.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for said County.

A.B. of

Plaintiff.

C.D. of

Defendant.

Whereas the Defendant did, on the Day of last, prefer a Civil Bill before the said Assistant Barrister of the said County against the said Plaintiff, to obtain the Possession of all that and those [*here describe the Premises sought to be redeemed accurately*] which said Premises are situate, lying, and being in [*describe the Locality*] held by the Plaintiff as Tenant to the said Defendant, under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of from the Day of then next, at the yearly Rent of Sterling [*or*, as Tenant from Year to Year to the Defendant at the yearly Rent of Sterling, *as the Case may be*]: And whereas by the Decree of the said Assistant Barrister, at a Sessions of the Peace held at in and for the said County of it was decreed that the said Defendant should be put into Possession of the said Premises: And whereas the said Defendant, on the Day of last, duly obtained Possession of the said Premises, under and by virtue of the said Decree: And whereas the said Plaintiff did, on the Day of last, tender to the said Defendant, for the Purpose of redeeming said Premises, the full Rent and Costs due out of said Premises under said Decree, amounting to the Sum of for Rent and for Costs, amounting in the whole to the Sum of which Sums, at all Times, and ever since said Tender, the said Plaintiff has had ready, and is now ready to pay to him the said Defendant. Therefore the said Defendant is hereby required personally to be and appear before the said Assistant Barrister at in the Division aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of the said County, to answer this the said Plaintiff's Bill, preferred for the Purpose of being restored to the Possession of the said Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister [*or* Chairman, *as the Case may be*] will proceed as to Justice will appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

(18.)

Form of a Decree where the Civil Bill is grounded on the Desertion of the Premises.

County of
Division of
Plaintiff
Defendants

By the Assistant Barrister at the Sessions for the County of

It appearing to the Court that the Plaintiff caused a Civil Bill to be filed against the Defendant, praying to be put into Possession of situate, lying, and being in the Parish of and in the Barony of and County of containing or thereabouts, in the possession of the Defendant, which Civil

Civil Bill was brought on the ground that the Tenant had deserted the said Premises; and it appearing by the Certificate of and Esquires, Two of Her Majesty's Justices of the Peace for said County, that they had together gone to and viewed said Premises, and that the same were deserted and left unoccupied by the Defendant, and that there was not any Distress thereon sufficient to countervail the Arrear of Rent then due thereout; upon due Proof thereof, and that Process on said Civil Bill, and also a Copy of said Certificate, was duly served, requiring the Defendant to appear at these present Sessions, to answer said Bill; and it appearing that being Year's Rent of said Premises, was justly due and owing by Defendant to Plaintiff, after all fair and just Allowances, and that said Premises were deserted and left unoccupied by the Defendant, and that there was not any Distress on the same to satisfy said Rent; it is therefore ordered and decreed by the Court that the Plaintiff be put into the Possession of said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court that the Plaintiff do recover from the Defendant Pounds Shillings and pence Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant, to satisfy the said Costs.

Dated at this Day of in the Year One thousand eight hundred and

Witness present,

E. F., Assistant Barrister for said County.
G. H., Clerk of the Peace for said County.
I. K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the above Decree to a Special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or either of
to wit. } them, and their Assistants, Special Bailiffs, at the Plaintiff's Peril to execute the above Decree.

Given under my Hand and Seal, this Day of in the Year One thousand eight hundred and

L. M., Sheriff for the said County.

(Seal.)

(19.)

Form of a Decree where the Civil Bill is grounded on the overholding of the Tenant.

County of } By the Assistant Barrister at the Sessions for the County
Division } of

Plaintiff } It appearing to the Court that the Plaintiff caused a Civil Bill to
Defendants } be filed against the Defendant, praying to be put into the Possession of situate in the Parish of and Barony of and County of containing or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that the Tenant overheld the said

 Premises;

Premises; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendants and all others having or claiming to have Interest in the Premises in the said Bill mentioned to appear at these present Sessions to answer said Bill; and it appearing that said Premises were held by Defendant from Plaintiff at the yearly Rent of and that Defendant's Interest determined on the Day of last, by a Notice to quit, heretofore served on the Defendant, requiring him to deliver up the Possession thereof to Plaintiff on the said Day of last, [*or setting forth any other Mode of Determination, as the Case may be,*] notwithstanding which the Defendant refused to deliver up the Possession thereof to Plaintiff, though demanded; it is therefore ordered and decreed by the Court, that the Plaintiff be put into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the Defendant Pounds Shillings and pence Costs, and the several Sheriffs of the respective Counties within the Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated at this Day of in the Year One thousand eight hundred and

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or
to wit. } either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

(*Seal.*) *L.M.*, Sheriff for the said County

(20.)

No. *Form of a Decree where the Civil Bill is grounded on Nonpayment of Rent.*

County of } By the Assistant Barrister at the Sessions for the County
Division of } of

Plaintiff } It appearing to the Court that the Plaintiff caused a Civil
Defendant } Bill to be filed against the Defendant, praying to be put into
Possession of situate, lying, and being in the Parish of and Barony of and County of containing by Estimation or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that a Year's Rent was in arrear and unpaid; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendant and all others having or claiming to have Interest in the Premises in said Bill mentioned to appear at these present Sessions to answer said Bill; upon due Proof thereof, and that said Premises were held by Defendant from Plaintiff at the yearly Rent of and that the Defendant was indebted

indebted to the Plaintiff in the Sum of being for One whole Year's Rent and Arrear of Rent of said Premises, due and ending the Day of last, after all just and fair Allowances; it is therefore ordered by the Court, that the Plaintiff be put into the Possession of said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the Defendant Pounds Shillings and Pence Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be,*] of the Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of to wit. } I authorize and empower and or either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

(*Seal.*)

L.M., Sheriff for the said County.

(21.)

Form of a Decree for Recovery of Lands.

County of
Division of
to wit. } By the Assistant Barrister at the Sessions for said County.

A.B. Plaintiff.
C.D. Defendant. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant for Recovery of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that the Plaintiff is entitled to the said it is therefore ordered and decreed by the Court, that the Plaintiff do recover from the Defendant the said together with Costs; and the Sheriff for the said County of is hereby commanded to take possession of the said and deliver up the same to the Plaintiff; and the said Sheriff is also hereby commanded to take in Execution the [Body *or* Goods] of the said Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister.
G.H., Clerk of the Peace.
I.K., Attorney of the Plaintiff.

[*Sheriff's Warrant to be added.*]

Form

Form of Warrant for Costs in Ejectment Cases.

C.D. Plaintiff. *E.F.* Defendant.	Whereas a Decree for Possession has been pronounced in this Cause; I do hereby authorize the Sheriff of this County to levy the Sum of being the Amount of the Costs given in said Action.

(22.)

Form of Decree against a permissive Occupant.

County of Division of	By the Assistant Barrister at the Sessions of the County of
Plaintiff. Defendant.	It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant, praying to be put into the Possession of [*Premises*] situate, lying, and being in the Parish of Barony of and County of which were occupied by the said Defendant by Permission of the Plaintiff, as Caretaker or Servant to the Plaintiff [*or* as permissive Occupant, *or* strictly at the Will of the Plaintiff, *or* at sufferance, *as the Case may be, or in Words of Act, &c.*] and hath refused to depart from same on Demand by the said Plaintiff to that Effect, but continues to hold the Possession thereof from the said Plaintiff; and it appearing to the Court that the said Defendant was so appointed Caretaker [*or* Servant, *or* permissive Occupant, *&c., as before,*] as aforesaid, and refused to depart from said Premises, on Demand by said Plaintiff to that Effect, but continues to hold the Possession thereof from said Plaintiff; it is therefore ordered and decreed by the Court, that the Plaintiff be put into Possession of the said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the said Defendant Costs, and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and

Witness present,

A.B., Assistant Barrister.
C.D., Clerk of the Peace.
E.F., Attorney for Plaintiff.

(23.)

Form of Civil Bill Decree for restoring Possession to a Tenant who has been ejected, and has tendered Rent and Costs, &c.

County of Division of	By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of said County.
Plaintiff. Defendant.	It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant, praying to be restored to the Possession of all that and those [*describe Premises, Barony, Parish, &c. from the*

the Civil Bill] now in possession of said Defendant under and by virtue of a Decree in Ejectment against said Plaintiff, dated the Day of and which said Decree in Ejectment was had and obtained against the said Plaintiff for Nonpayment of [*state Rent, &c., as in Decree in Ejectment, and Period of Time for which it occurred due*]; and it appearing further to the Court, that the said Plaintiff tendered to the said Defendant the aforesaid Sum of for said Rent, and also the Sum of for Costs of said Decree in Ejectment and Proceedings thereon, on the Day of being within the Period for paying same, so as to entitle the said Plaintiff to be restored to his Interest theretofore subsisting in said Lands and Premises in said Decree in Ejectment mentioned, and also to be restored to the Possession of same; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendant to appear at these present Sessions to answer said Civil Bill, where upon due Proof thereof, and the said Plaintiff having duly lodged in Court the Sum of aforesaid, it is therefore ordered by the Court, that the Decree for Possession, bearing Date the Day of is hereby vacated; and it is further decreed, that the said Plaintiff in this Case be restored to his former Interest in the said Lands and Premises, and also be put into Possession of the same; and the Sheriff of the said County is hereby commanded to put the Plaintiff into Possession thereof.

Dated this Day of in the Year One thousand eight hundred and

A.B., Assistant Barrister.
C.D., Clerk of the Peace.
E.F., Attorney for Plaintiff.

(24.)

Magistrate's Certificate.

County of } We and Two of Her Majesty's Justices of
to wit. } the Peace for said County, having been called upon by and at his Request having together gone to and viewed all that Part of the Lands of situate, lying, and being in the Parish of and Barony of and County of in the Possession of as Tenant thereof, containing Acres Roods and Perches, or thereabouts, on the Day of between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of the said Day, do certify that the Premises aforesaid then appeared to us to be deserted and left unoccupied by the said and that there is not any Distress on the same sufficient to countervail the Arrear of Rent, being [One Half Year's] Rent, ascertained by the Affidavit of *A.B.*, the Landlord thereof [*or* the Bailiff of the Landlord thereof, *as the Case may be*], now due thereout after all just and fair Allowances.

Given under our Hands and Seals, this Day of in the Year One thousand eight hundred and

To the Assistant Barrister (*Seal.*)
for the County of (*Seal.*)

Witness present,

(25.)

Affidavit of Rent to enable the Magistrates to grant the above Certificate.

County of } Landlord [*or* Bailiff to the Landlord, *as the Case may be*] of
to wit. }
the Lands and Tenements herein-after mentioned, maketh Oath and saith, that
of in the County of is justly and fairly indebted to in
the Sum of being for [a Year's] Rent of his Holding in all that Part of
the Lands of [*describing it as in Civil Bill*] held by him under due and ending the
Day of last, after all just and fair Allowances; and Deponent saith,
that the said Sum or any Part thereof hath not been tendered or paid to by the
said , or by any Person or Persons on his Behalf.

Sworn before me this Day of in the Year One thousand eight hundred and

---

(26.)

Form of a Decree in ordinary Cases.

No.
County of } By the Assistant Barrister at the Sessions for the County
Division of } of

A. B. of
in the County of
[*here insert the Addition or Occupation of Plaintiff or Plaintiffs*] Plaintiff[s]
C. D. of
in the County of
[*here insert the Addition or Occupation of Defendant or Defendants*] Defendant[s]

It appearing to the Court that Process to appear at this present Session was duly served on the Defendant[s], and that the Defendant[s] is [*or* are] justly indebted to the Plaintiff[s] in the Sum of Pounds Shillings and Pence for [*here state the Cause of Action from the Process*], it is therefore ordered and decreed by the Court, that the Plaintiff[s] do recover from the Defendant[s] the said Sum, together with Shillings and pence Costs; and the several Sheriffs of the respective Counties of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the [Body *or* Goods, *as the Case may be*,] of the Defendant[s] to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and .

Debt - - -	£
Interest - -	
Costs - - -	
Warrant - - -	

E. F., Assistant Barrister for said County.
G. H., Clerk of the Peace for the said County.
I. K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the Decree to a special Bailiff of Plaintiff's Nomination.

County of } I authorize and empower *A. B.* of and *C.D.*
to wit. } of * or either of them, and their As ants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

(*Seal.*) *L.M.*, Sheriff of the said County.

(27.)

Form of a Dismiss.

No.
County of
Division of } By the Assistant Barrister at the Sessions for the said County.

A. B. of
in the County of
[*here insert the Addition or Occupation of the Plaintiff or Plaintiffs*],
Plaintiff.
C. D. of
in the County of
[*here insert the Addition or Occupation of the Defendant or Defendants*],
Defendant.

Whereas it appeared to the Court that the Plaintiff[s] caused the Defendant[s] to be served with Process to appear here this present Session for the Recovery of the Sum of alleged to be due for [*here state the Cause of Action from the Copy of the Process served*], and that the Plaintiff[s] hath or have failed to prove [his, her, their] said Debt, or any Part thereof, it is therefore decreed by the Court, that the Plaintiff's Bill be and the same is hereby dismissed, and that the Defendant[s] do recover against the Plaintiff[s] the Sum of Costs of this Dismiss. And the several Sheriffs in Ireland are hereby commanded, notwithstanding any Liberty within their respective Bailiwicks, to enter the same, and take in Execution the Plaintiff's [Body *or* Goods] to satisfy and pay the Defendant[s] the said Cost of obtaining this Dismiss.

Dated at this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister of said County.
G.H., Clerk of the Peace of said County.
I.K., Attorney for the Defendant[s].

Form of the Sl Warrant on such Dismiss.

County of } I authorize and empower *A.B.* of and *C.D.*
to wit. } of . or either of them, and their Assistants, special Bailiffs, at the Defendant's Peril, to execute the above Dismiss.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

L.M., Sheriff of the said County.

(*Seal.*)

(28.)

Form of a Decree against Defendant when the Debt or Damages are made payable by Instalments.

County of
Division of
to wit.

A.B. of in the County of Plaintiff.
C.D. of in the County of Defendant.

Upon the hearing of this Cause at a Civil Bill Court holden at on the Day of it is decreed that the said Plaintiff do recover against the said Defendant the Sum of for his Debt [*or Damages by him sustained*] together with the Costs of Suit amounting to the Sum of by Instalments of £ for each Instalment, the First Instalment to be made upon the Day of next; the Second Instalment to be made on the Day of next; and the Third Instalment, &c. [*as the Case may be, following the Direction of this Form, in proportion to the Number of Instalments decreed*], such Payments to be made by the said Defendant to the said Plaintiff.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister.
G.H., Clerk of the Peace.
J.K., Attorney for Plaintiff.

(29.)

Form of Civil Bill for the Arrest of Defendant for a Debt under £10.

County of
Division of

By the Assistant Barrister at the Sessions of the said County.

A.B. of in the County of [*Residence and Addition of Plaintiff*[*s*]], Plaintiff.
C.D. of in the County of [*Residence and Addition of Defendant*[*s*]], Defendant[s.]

The Defendant[s] is [*or* are] hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill, and to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant, under or in respect of a certain Decree [*or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] against the said Defendant[s] for the Payment of the Sum of by the said Defendant[s] in a certain Action [*or* Suit], for [*state the former Cause of Action, or Nature of the former Action, or that the Claim is for Costs, as the Case may be*]; and which said Sum of the said Plaintiff[s] has [*or* have] been unable to recover from the said Defendant, or out of the Goods and Chattels of the Defendant.

Or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by *or* on [behalf of] the Plaintiff[s].

(30.)

Form of a Decree for Arrest or Execution against the Person or a Committal.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B. of in the County of [*Residence and Addition of Plaintiff*[s], Plaintiff[s].
C.D. of in the County of [*Residence and Addition of Defendant*[s], Defendant[s].

It appearing to the Court that the Plaintiff[s] caused a Civil Bill to be brought against the Defendant[s] requiring him [*or* them] to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant[s], under and in respect of a certain Decree [*or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] against the said Defendant[s], for the Payment of the Sum of by the said Defendant[s], in a certain Action [*or* Suit] for [*state the former Cause of Action or Claim*], and which said Sum of the said Plaintiff[s] had been unable to recover from the said Defendant[s] or out of the Goods and Chattels of the Defendant[s].

And it appearing to the Court that the said Plaintiff[s] is [*or* are] entitled to the said Execution [*or* Decree *or* Order] to be executed against the Person of the Defendant[s], [*or* to have the said Defendant[s] committed for].

It is therefore ordered and decreed by the Court here, that the said Plaintiff[s] have Execution against the Person of the said Defendant[s] for the said Sum of together with Shillings and Pence Costs [*or* that the said Defendant[s] be committed to the Gaol of for the Period of *as the Case may be*]; and the several Sheriffs of the respective Counties in Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the Body [*or* Bodies] of the Defendant[s], to satisfy the said Sum of Pounds and Costs [*or* take the Body *or* Bodies] of the said Defendant[s], and commit the said Defendant[s] to Custody in the Gaol of for the Period of unless the said Sum of and Costs be sooner paid.

Dated at this Day of in the Year One thousand eight hundred and .

	£	s.	d.
Debt or Demand - - -			
Interests - - - -			
Costs - - - -			
Warrant - - - -			

E. F., Assistant Barrister for said County.
G. H., Clerk of the Peace.
I. K., Attorney for Plaintiff.

(31.)

Form of a Recognizance on the Defendant's appealing from a Decree.

No.
County of
to wit.

A.B. of
[*here describe the Plaintiff as in the Cause*],
Plaintiff.

C.D. of
[*here describe the Defendant as in the Cause*],
Defendant.

£ s. d.

L.M. of in the County of acknowledges self to be indebted to the Plaintiff[s] in the Sum of and *N.O.* of *P.Q.* of acknowledge themselves to be jointly and severally indebted to the Plaintiff in the Sum of .

The Condition of the foregoing Recognizance is such, that if the Defendant[s] do prosecute [his, her, their] Appeal to the Decree in this Cause at the next General Assizes to be held in and for the County of and pay such Debt and Costs as shall be awarded against the said Defendant[s], then the above Recognizances to be void, otherwise to remain in full force and virtue.

E.F., Clerk of the Peace for said County.

Taken and acknowledged before me this Day of in the Year One thousand eight hundred and .

G H., Assistant Barrister for said County.

The Form of the Recognizance when the Plaintiff shall appeal from a Dismiss to be the same, mutatis mutandis, as the above.

(32.)

Form of Affidavit of Attorney on Appeal, and Form of a Recognizance on appealing from a Decree or Dismiss made or pronounced by an Assistant Barrister, pursuant to this Act, to be acknowledged before such Assistant Barrister.

No.
County of
Division of

A.B. of
[*here describe the Plaintiffs as in the Cause*],
Plaintiff.

C.D. of
[*here describe the Defendant in like Manner*],
Defendant.

E.F., Attorney for the [Defendant, Plaintiff,] in this Cause, maketh Oath and saith, that he believes that the Appeal intended to be lodged in this Cause is not made or to be made for the Purpose of Delay, but that there is, as he believes, probable Cause of reversing the [Decree, Dismiss,] made in this Cause.

Sworn before me this Day of in the Year One thousand eight hundred and

G.H., Assistant Barrister for the said County.

(33.)

Form of Affidavit or Affirmation for a Renewal of a Decree, and of a Dismiss.

No.
County of
Division of
C.D., One of the Par
pronounced, and the Su
of

I *A.B.* of in the County of [*here state the Addition or Occupation of the Person swearing or affirming*], One of the Parties [*or* Personal Representative of in a Cause in which the annexed [Decree *or* Dismiss] was thereby ordered to be recovered, and in which Cause was [*or* were] Plaintiff [s] and of Defendant[s] do swear [*or if a Quaker*, do solemnly affirm] that there is still remaining due and unpaid of the said Sum so ordered to be recovered the Sum of after all just Allowances [*and if the Person swearing or affirming be a Party, as a Personal Representative of any other Person, or if he makes this Affidavit or Affirmation as Personal Representative to One of the Parties in the original Cause, add these Words*], as he [*or* she] doth verily believe.

A. B. Sworn before me in open Court, this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.

Form of a Renewal to be printed or written on the same Sheet with the above Affidavit, and when the Affidavit shall be sworn to, and the same and Renewal signed by the Assistant Barrister, the said Affidavit or Affirmation is to be cut off and delivered to the Clerk of the Peace, and the Renewal to the Party entitled to it.

No.
County of
Division of

By the Assistant Barrister for the County of at the Session of the Peace held at in the said County.

A.B. of
in the County of
[*here insert the Addition or Occupation of the Plaintiffs*],
Plaintiff[s].
C.D. of
in the County of
[*here insert the Addition or Occupation of the Defendants*],
Defendant[s].

Oath being made in open Court that there remains still due by the annexed [Decree *or* Dismiss] the Sum of it is therefore ordered and decreed by the Court, that the same be and the same is hereby renewed for the said Sum, together with Costs of this Renewal, and that the [Plaintiff *or* Defendant] shall have and recover from the [Defendant *or* Plaintiff] the same, and the several Sheriffs of the Counties and Cities of Ireland are hereby required, notwithstanding any Liberty within their Bailiwicks, that they enter the same, and take in Execution the [Defendant's *or* Plaintiff's] [Body, Goods] to satisfy and pay the said Sum and Costs.

Dated at the Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the

Form of the Sheriff's Warrant on such Renewal to be the same as that above-mentioned on a Decree, changing the Word Decree into Renewal, and in case it be the Renewal of a Dismiss, then changing the Words Plaintiff's Peril in the Warrant into Defendant's Peril.

(34.)

Form of Notice to renew a Decree, &c.

County of
Division of
[*All the Plaintiffs in original Decree to be inserted*],
Plaintiffs.
[*All Defendants in original Decree to be inserted*],
Defendants.

By the Chairman or Assistant Barrister for the County of

Whereas the said Plaintiff[s] at the Quarter Sessions for the said County held at on the Day of One thousand eight hundred and obtained a Decree against the said Defendant[s] for the Sum of and also the Sum of as and for Costs. And whereas [*state Facts as to Death, or other Circumstances affecting Parties in original Decree*]. And whereas there is still due and owing to the said Plaintiff[s] on foot of the said Decree the Sum of The said Defendant [*A. B. or C. D., as the Case may be*] is hereby required personally to appear before the said Assistant Barrister at aforesaid, in the said County, on the Day of as an Application will then and there be made to renew the said Decree for the said Sum of

Signed by [*or* on behalf of] the Plaintiff.

SCHEDULE D.

FEES IN ORDINARY CASES.

Counsel's Fees.	£	s.	d.
To Plaintiff's Counsel in each Case of ordinary Civil Bill, when the Sum decreed shall exceed 5*l.* and shall not exceed 20*l.* - - - -	0	10	6
Provided, that in all such Cases, when defended, no Fee to Counsel shall be charged as between Party and Party, if the Assistant Barrister shall certify that it was not a fit Case for Counsel; and in all such Cases, when undefended, no such Fee shall be charged as between Party and Party, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.			
And in all Cases where the Sum decreed shall exceed 20*l.* - - -	1	1	0
To Defendant's Counsel, like Fees on Sum sued for: Provided, that in all Cases where the Sum sued for shall exceed 5*l.* and shall not exceed 20*l.*, and the Plaintiff shall enter his Process, and same shall be dismissed, no Fee shall be charged as between Party and Party if the Assistant Barrister shall certify that it was not a fit Case for Counsel; and in all such Cases where the Plaintiff shall not enter his Process for Hearing, but the Defendant shall enter the Case for a Dismiss, and same shall be dismissed accordingly, no such Fee shall be charged, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.			

Clerk of Peace's Fees.

To Clerk of Peace, upon the Entry of every Civil Bill - - -	0	0	3
" " for signing the Decree or Dismiss - - -	0	0	3
" " on entering and signing Renewal - - - -	0	0	4
" " for Recognizance of Bail and Certificate of Appeal lodged, and entering Appeal with Judge's Register - -	0	1	0
" " for every Subpœna ad test. issued - - -	0	0	4
" " for entering a Verdict - - - - -	0	1	0

Attorney's Fees.

	£	s.	d.
To the Plaintiff's Attorney, for drawing or signing Civil Bill - - -	0	0	6
" " for taking Instructions and attending Hearing, and all Charges in Penalty Cases when Counsel not employed	0	8	0
" " preparing Instructions for Counsel in like Cases -	0	2	6
" " in all other Cases, for attending and taking Instructions for Hearing, directing the necessary Proofs, entering the Civil Bill, for attending the Hearing (except in Ejectment, Replevin, and Legacy Cases), and preparing any Summons required for Witnesses, and every Notice to produce Documents, to require the Attendance of any Party, or for any other Purpose, and for all Charges in every Case when the Amount of Sum decreed shall not exceed 10*l.* -	0	2	6
" " for same, where the Sum decreed shall exceed 10*l.* and shall not exceed 20*l.* - - -	0	5	0
" " when the Sum decreed shall exceed 20*l.* - -	1	0	0
" " for drawing and signing Decree, or Renewal -	0	1	0
" " drawing Instructions for Counsel, when employed, when the Sum decreed shall not exceed 20*l.* -	0	2	6
and when the Sum decreed shall exceed 20*l.* -	0	5	0
" " for drawing and signing the Affidavit to obtain a Decree pro confesso, and filing the same -	0	2	6
Defendant's Attorney, like Fees on Sum sued for.			
To Defendant's Attorney for drawing up and signing a Dismiss - -	0	1	0

Fees on Appeals.

To Clerk of the Peace, upon the Hearing of each Appeal at Assizes - -	0	1	0
To Attorneys for the Parties respectively, the same Fees as allowed on Civil Bills in the Barrister's Court.			
To Counsel - - - - - - - - -	1	1	0

FEES IN CASES OF REPLEVIN.

To Counsel, where the Rent distrained for shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
" where the Sum distrained for shall exceed 20*l.* - - -	1	1	0
To Clerk of the Peace, for Entry of Civil Bill for Hearing or Dismiss - -	0	0	6
" " for signing Decree or Dismiss - - -	0	0	6
" " for signing Renewal - - - - -	0	0	6
" " for Recognizance of Bail, and Certificate of Appeal lodged, and entering Appeal in the Judge's Register -	0	1	0
" " for issuing Order to replevy, and entering Civil Bill thereon - - - - -	0	1	6

Attorney's Fees in Replevin.

To Plaintiff's Attorney, for preparing and signing the Process and Copies -	0	2	6
" " for attending and taking Instructions in Replevin Cases, attending the Hearing, and all Charges, exclusive of Instructions for Counsel, when employed, when Amount of Rent distrained for does not exceed 20*l.* -	0	8	0
" " when it does exceed 20*l.* - - - -	1	0	0

	£	s.	d.
To Plaintiff's Attorney, preparing Instructions for Counsel, when employed, and when Sum distrained for shall not exceed 20*l.* -	0	2	6
" " when Sum distrained for shall exceed 20*l.* - -	0	5	0
" " for drawing up and signing Decree - - -	0	1	0
To Defendant's Attorney, like Fees in both Cases.			
" " for drawing up and signing Dismiss - -	0	1	0

Appeals.

To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - - -	1	1	0

FEES IN LEGACY CASES.

To Plaintiff's Counsel, where Sum decreed shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
" " where the Sum decreed shall exceed 20*l.* - - -	1	1	0
To Defendant's Counsel, like Fees on Sum sued for.			

Fees to Clerk of the Peace.

To Clerk of the Peace, for Entry of Civil Bill - - - - -	0	0	6
" " for signing Decree or Dismiss - - - -	0	0	6
" " for signing and entering any Renewal - - -	0	0	6
" " for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal in Judge's Register -	0	1	0
" " for Copy of any Inventory of Assets lodged with him, and attesting same, per Folio of Ninety Words - -	0	0	4
" " entering Verdict of a Jury. - - - -	0	1	0

Attorney's Fees.

For taking Instructions, drawing or signing the Civil Bill, reading Will, Probate, Administration, Deeds, or Documents, drawing all Notices or Summonses -	0	2	6
To Plaintiff's Attorney, for advising the Proofs and attending the Hearing, when the Sum decreed does not exceed 20*l.* - - - - -	0	10	6
" when Amount decreed exceeds 20*l.* - - -	1	0	0
Preparing Instructions for Counsel, when employed, and when Sum decreed shall not exceed 20*l.* - - - - - -	0	2	6
when Sum decreed shall exceed 20*l.* - - - -	0	5	0
Drawing up and signing Decree - - - - -	0	1	0
To Defendant's Attorney, for taking Instructions, drawing all Notices, advising the Proofs, and attending the Hearing, when the Sum sued for shall not exceed 20*l.*	0	10	6
To Defendant's Attorney, when Sum sued for shall exceed 20*l.* - -	1	0	0
To Defendant's Attorney, for preparing Instructions for Counsel, when employed, and Sum sued for shall not exceed 20*l.* - - - -	0	2	6
where Sum sued for shall exceed 20*l.* - - - -	0	5	0
To Defendant's Attorney, for drawing and signing any Dismiss - -	0	1	0

Appeals.

To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - -	1	1	0

FEES IN EJECTMENT CASES.

Counsel's Fees.

	£	s.	d.
To Plaintiff's Counsel, where Rent reserved shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
when Rent reserved shall exceed 20*l.* - - -	1	1	0
To Defendant's Counsel, like Fees.			

Fees to Clerk of the Peace.

To Clerk of Peace, upon the Entry of every Civil Bill Ejectment - -	0	1	6
" " for signing, entering, and recording every Decree or Dismiss -	0	1	0
" " for signing and entering every Renewal - - -	0	0	6
" " for entering the Verdict of a Jury - - -	0	1	0
" " for Recognizance of Bail and Certificate of Appeal - -	0	1	0
" " for each Inspection of the Book kept for the Purpose of recording Decrees and Dismisses - - -	0	1	6

Attorney's Fees in Ejectments.

To the Plaintiff's Attorney, for attending taking Instruction in all Ejectment Cases, reading over Leases, Deeds, Wills, or other Documents - - - -	0	6	8
" " for attending, drawing, and obtaining the Magistrate's Certificate where the Proceeding is for the Recovery of Lands or Premises abandoned - -	0	10	0
Drawing the Civil Bill, including Bill of Particulars of Rent due, and all Notices or Summonses - - - - - - - -	0	2	6
To Plaintiff's Attorney, for every Copy thereof actually served or posted, for the First Copy - - - - - - -	0	2	6
For every additional Copy - - - - - -	0	1	0
To Plaintiff's Attorney, for drawing Affidavit to verify the Ejectment, advising the Proofs, entering the Cause, and attending the Hearing - -	1	1	0
To Defendant's Attorney, for taking Instructions, advising the Proofs, drawing all Notices or Summonses, and attending the Hearing - - -	1	1	0
To the Plaintiff's Attorney, for drawing any Decree and Affidavit, verifying the same, attending the Assistant Barrister to sign the same, and signing, drawing Costs between Party and Party, and attending the Barrister for Taxation thereof - - - - - - - -	0	3	4
To Defendant's Attorney, for drawing any Dismiss, drawing Costs between Party and Party, and attending to get same compared, signed, and taxed - -	0	3	4
To preparing Instructions for Counsel, whehever Counsel is employed - -	0	5	0

Appeals.

To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - -	1	1	0

Clerk of the Peace in Cases of Insolvents.

On each Petition in Cases of Insolvent Debtors heard before Assistant Barrister - - - - - - -	0	2	6

Process Server's Fees.

	£	s.	d.
Serving Civil Bill where there is but One Defendant, or several Defendants residing in the same House - - - - - -	0	0	6
For serving Two or more Defendants not residing in the same Dwelling House -	0	1	0

Sheriff's Fees.

For every special Warrant, save in Ejectment Cases, granted at the Peril of the Party requiring the same - - - - - -	0	1	0
For returning a Jury in any Case - - - - -	0	1	0
For giving Possession to any Party under a Civil Bill Ejectment or Redemption Decree, when he shall do so in Person - - - -	1	1	0
For every special Warrant to give Possession as above, when he does not attend in Person - - - - - - - -	0	2	6
To the Sheriff or special Bailiff to be appointed pursuant to this Act, for executing any Decree, Dismiss, or Order for any Sum not exceeding 1*l.* - - and 3*d.* in the Pound on the Amount recovered under such Execution.	0	1	0
To the Sheriff or special Bailiff, in all Cases, for executing any Decree, Dismiss, or Order, by Arrest of the Person, upon lodging him in Gaol - -	0	5	0
To Sheriff or his Replevinger in drawing Affidavit of Value of Goods distrained in Replevin Cases, and in full of all Charges in relation to such Cases - -	0	3	0
To Keepers of Seizure under any Decree or Dismiss, the Fees specified in Section 145 of this Act.			

Provided that in all Cases of Ejectment, Replevin, and Distribution of Assets, where the Rent reserved, Rent distrained for, or Sum decreed, or (in case of Dismiss) the Sum sued for, respectively, shall exceed 5*l.* and shall not exceed 20*l.*, and such Case shall be defended, no Fee to Counsel shall be charged as between Party and Party, if the Assistant Barrister shall certify that it is not a fit Case for Counsel; and in all such Cases, where undefended, no such Fee shall be charged unless the Assistant Barrister shall certify that it was a fit Case for Counsel; and in all such Cases where the Plaintiff shall not enter his Process for Hearing, but the Defendant shall enter the Case for a Dismiss, and same shall be dismissed accordingly, no such Fee shall be charged, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. LVIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [1st *August* 1851.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied, and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be it

it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary-at-War to issue the Money required for Pay of Regular Militia.

I. The Secretary-at-War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses hereinafter mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem*:

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*:

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence *per Diem*:

For each Serjeant, having been a Colour Serjeant in One of the Provisional Battalions of Militia, Two Shillings *per Diem*:

For each Serjeant, One Shilling and Sixpence *per Diem*:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expense of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary-at-War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent Fund.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Secretary-at-

II. Except when employed as hereinafter provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned

sanctioned by the Secretary-at-War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

War shall appoint.

III. Every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

IV. The Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money, for contingent Expenses on an Order signed by the Colonel.

Balance to form a Stock Purse.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

VI. The

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland* while disembodied, under certain Regulations: The following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem*:

To an Ensign, Two Shillings *per Diem*:

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem*:

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VIII. Provided also, no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

A Declaration to be taken to entitle Officers, &c. to such Allowances.

IX. The Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some One of Her Majesty's Justices

tices of the Peace of the United Kingdom, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I belonged to the of Militia when the same was disembodied, and that I have continued to serve therein from that Time until the Day of inclusive, as a [Lieutenant, Ensign, Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*]; and that I was not, in my own Right or in the Right of my Wife, during any Part of the Period for which I now claim to receive my Allowance, (that is to say,) from the Day of to the Day of both inclusive, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of such an annual Value above Reprizes as would qualify me to hold a Commission of Captain of a Company in the Militia; that I was not in Holy Orders; that I have not during the above Period held the Appointment of Adjutant, Surgeon, Paymaster, or Quartermaster in any Regiment, Battalion, or Corps of Militia; that I did not hold or enjoy, nor did any Person for me hold or enjoy, during the said Period, any Place, Office, or Employment of Profit, Civil or Military, under the Crown or any other Government, besides the Allowance of a Day now claimed, except my Half Pay as a [of the Army *or* Navy *or* Marines, or of a Provisional Battalion formed from the Militia, *as the Case may be*], and any Pay and Allowances from the to the both Days inclusive, during which Period the Corps was assembled for Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Secretary-at-War may place certain Officers unfit for Duty upon a retired Allowance, upon making the following Declaration.

X. It shall be lawful for the Secretary at War to place any such Lieutenant, Ensign, and Surgeon's Mate of the Militia of *Great Britain*, or Subaltern Officer and Assistant Surgeon of the Militia of *Ireland*, when unfit for further Duty, upon a retired Allowance equal to and instead of the Allowance granted on the disembodying of the Militia at the Termination of the War; and all such Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowance, shall make and subscribe the following Declaration; (*videlicet*,)

Form of Declaration.

'I do solemnly and sincerely declare, That I formerly served as a in the Militia; that I am not in Holy Orders; and that from the

'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions of
'Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of per Diem as a of the
'said Militia, except my Half Pay or Civil Pension as a

Allowances to Officers reduced in 1829.

XI. The Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced, in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act; and it shall be lawful for the Secretary-at-War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

A Declaration to be taken by Officers claiming the said Allowances.

XII. Every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I was serving as
'[Paymaster, Surgeon, *or* Quartermaster, *as the Case may be*,] in
'the of Militia at the Reduction of the Staff
'of the said Militia in One thousand eight hundred and twenty-
'nine; and that I was not in Holy Orders during any Part of the
'Period for which I now claim to receive an Allowance, that is to
'say, from the Day of One thousand eight
'hundred and to the Day of One
'thousand eight hundred and ; and that I did not
'hold or enjoy, nor did any Person for me hold or enjoy, during any
'Part of the said Period, any Place, Office, or Employment of Profit,
'Civil or Military, under the Crown or any other Government,
'besides the Allowance of a Day now claimed,
'except my Half Pay as a [of the Army or Navy
'*or* Marines, *or* of a Provisional Battalion formed from the Militia,
'*as the Case may be*], and except my Pay and Allowances from
'the to the both Days inclusive,
'during which Period the Militia was assembled for
'Training and Exercise.'

Which

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XIII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XIV. Every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended, and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration

Commanding Officers may grant Leave of Absence.

tion thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XV. Provided always, In case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XVI. Upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XVII. The Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion, or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied,

disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary-at-War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Allowance not to be paid while the Militia is embodied.

XVIII. Nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XIX. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XX. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XXI. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expense of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive, after a Service of 20 Years, if unfit for further Service, an Allowance of 8s. per Day; provided they do not hold certain other Appointments.

XXII. Every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary-at-War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary-at-War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem:* Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary-at-War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One

Adjutant appointed since 24th

One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary-at-War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary-at-War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary-at-War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, hereinbefore prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Dec. 1814 entitled to receive, after Thirty Years Service, &c., an Allowance of 6s. per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

XXIII. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

XXIV. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-one, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,)

Reduced Adjutants to receive 4s. per Day till 31st July 1852.

be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-two, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXV. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem:* All such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-one to the Thirty-first Day of *July* One thousand eight hundred and fifty-two.

Allowances granted to Adjutants who have been appointed since 24th Dec. 1814, &c. on Completion of certain Periods of Service.

XXVI. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland* who have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall hereafter be appointed, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet,*)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem:*

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem:*

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem:*

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem:*

No Adjutant whose Commission bears Date between 24th Dec. 1814 and 9th July 1823 excluded.

Provided always, that no such Adjutant whose Commission bears Date between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three shall be excluded from the Operation of the Authority vested in the Secretary-at-War to determine certain Cases of Adjutants of long and meritorious Services; provided also,

also, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary-at-War of a Certificate of such Service and Disability; and the Paymaster General shall pay to such Adjutant the above Allowance, subject to the same Limitations and Restrictions in respect to the holding of any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, as attach to other Adjutants to whom retired Allowances have been or shall be granted.

Right to Half Pay and Pension reserved.

XXVII. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XXVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

Allowances to Clerks of General and Subdivision Meetings in England.

XXIX. In every County in *England* and *Wales* when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expenses in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the* Tower Hamlets *in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for raising a* '*Body of Miners in the Counties of* Cornwall *and* Devon *for the* '*Defence of the Kingdom during the present War, and for the* '*more effectually raising and regulating a Body of Miners for* '*the Defence of* Great Britain,' and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

Manner of granting Allowances.

XXX. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the public Service, 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in *Scotland.*

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable, *or other Officer*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the public Service, according to the Manner therein 'set forth; and that I was employed on such Business the full 'Time therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary-at-War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXXI. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain* and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet,*)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas,

Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary-at-War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary-at-War.

XXXII. All Sums of Money granted for the Pay, Clothing, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary-at-War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXIII. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXIV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Allowance to Adjutant for his Residence and Accommodation in Ireland.

Allowance for Hire of House or Place for depositing Arms and Stores of the Militia in Ireland.

XXXV. For the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, there shall be paid to such Adjutant the yearly Sum of Twenty Pounds Seventeen Shillings of the Currency of the United Kingdom of *Great Britain* and *Ireland*, and for the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores of such Regiment, there shall be paid to such Adjutant, or if there be no Adjutant, then to the Non-commissioned Officer in charge of the Stores, the yearly Sum of Five Pounds of such Currency, which Sums shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expenses payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears which shall not have been presented and paid before the passing of this Act, or which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, which Presentment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the Assistant Under Secretary, without any Application at Presentment Sessions, and specifying the said Allowances to be made to the Adjutant,

Adjutant, or to a Non-commissioned Officer, as the Case may be, and any other Expense payable and to be defrayed by the County in respect of the Militia of the County; and the said Certificate shall be transmitted by such Chief or Under Secretary or Assistant Under Secretary to the Clerk of the Crown for the County at any Time prior to the First Day of Assizes for such County, or if the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term.

Providing Place for Arms, &c. 42 G. 3. c. 90.

XXXVI. In all Cases where any Place provided under an Act passed in the Forty-second Year of the Reign of King George the Third, intituled *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*, for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, and the Hire or Cost of which Place may have been paid by the Treasurer of any County, Riding, or Place out of the County Rates of the same, according to the Provisions of the said Act, hath or at any Time hereafter shall, from Change of the Occupation of the adjoining Property or other Causes, become insecure or unfit for such Purpose, or the Public Convenience may require the same to be changed or sold, the Justices of such County, Riding, or Place assembled at any General Quarter Session of the Peace, after Representation made to them of such Insecurity or Unfitness or Inconvenience by the Lord Lieutenant of such County, and the Colonel of such Regiment, Battalion, or Corps, and Evidence thereof given to the Satisfaction of the said Justices so in Quarter Sessions assembled, to order some other convenient and proper Place to be provided or built for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, the Purchase, Hire, or Cost of which Place, in case the same shall be approved of by the Lord Lieutenant and Colonel of Militia of such County, Riding, or Place, shall be paid for by the Treasurer of such County, Riding, or Place, out of the County Rates.

Sale of Place not required.

XXXVII. In all such Cases as aforesaid the Persons or Person in whom such Place which may have become insecure or unfit for the Purposes aforesaid may be vested, upon Service upon them or him of an Order made at any Court of Quarter Sessions of the Peace, setting forth that another and more convenient and proper Place has been provided for the Purpose aforesaid, whereby the Place so purchased for the Purpose aforesaid has become useless, shall proceed forthwith, in such Manner as they shall think best, to sell and convey and assure the same to any Purchaser or Purchasers

 thereof,

thereof, freed and discharged from the Uses or Trusts to which it had theretofore been liable and subject, and give Receipts and Acquittances for the Purchase Money or Purchase Monies thereof, and shall, upon Receipt of the Money arising therefrom, after deducting thereout all Costs and Charges attending such Sale or Sales, pay the same unto the Treasurer of such County, Riding, or Place, to be by him applied and paid towards the Cost of such Place to be so purchased as aforesaid, or the fitting up the same, and in case no such Place shall be so purchased, then toward the Expenses of fitting up such Place which may be so hired as aforesaid for the Purposes aforesaid, and the Residue of such Purchase Money (if any) shall be invested in the Public Funds, and the Interest thereof applied in aid of the Rate of such County or Riding, according as the Justices of the same in Quarter Session assembled may direct; and no Person purchasing any Place so sold as aforesaid shall be bound to inquire whether any of the Circumstances have arisen under which it has been determined to sell the same as aforesaid, nor shall he be bound to see to the Application or Nonapplication of his, her, or their respective Purchase Monies; and when and as soon as the Persons or Person in whom such Place shall have been so vested as aforesaid shall have paid to the said County Treasurer the clear Proceeds arising from such Sale or Sales, and shall have procured from such Treasurer his Receipt for the same, then and from thenceforth such Persons or Person shall be forthwith discharged from all Liability, Claim, or Demand in respect of the said Place so vested in him or them for the Purposes aforesaid, and also from all Liability, Claim, or Demand in respect of the Proceeds arising from the Sale of such Place; and such Receipt shall be a Bar to the Claim of any Person or Persons whatsoever in such County, Riding, or Place, or any Person or Persons claiming under them any Right, Title, or Estate to such Place or the Proceeds thereof.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXXVIII. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXXIX. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty-one until the First Day of *September* One thousand eight hundred and fifty-two.

TABLE

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, c. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto - 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
TRAINING AND EXERCISE.			
12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

	£	s.	d.
14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve; and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - - -	3	3	0
Ditto from 151 to 250 Men - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - - - -	0	10	0
Ditto from 151 to 250 Names - - - -	0	15	0
Ditto from 251 Names and upwards - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under - -	1	10	0
Ditto from 51 to 150 Men - - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - - - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under - -	0	5	0
Ditto from 51 to 150 Men - - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - - -	0	2	6
Ditto from 51 to 70 Names - - -	0	4	0
Ditto from 71 to 100 Names - - -	0	7	0
Ditto from 100 upwards - - - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - - - -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - - -	0	15	0
Ditto from 251 and upwards - - - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expenses not exceeding Nine-pence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

in the Piece for Sale) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and fifty-three, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Ireland, had been settled and established by Law, it was enacted, that if any Person after the Commencement of that Act, other than the Person thereunto authorized by Law, should assume or use the Name, Style, or Title of Archbishop of any Province, Bishop of any Bishopric, or Dean of any Deanery, in *England* or *Ireland*, he should for every such Offence forfeit and pay the Sum of One hundred Pounds: And whereas it may be doubted whether the recited Enactment extends to the Assumption of the Title of Archbishop or Bishop of a pretended Province or Diocese, or Archbishop or Bishop of a City, Place, or Territory, or Dean of any pretended Deanery in *England* or *Ireland*, not being the See, Province, or Diocese of any Archbishop or Bishop or Deanery of any Dean recognized by Law; but the Attempt to establish, under colour of Authority from the See of *Rome* or otherwise, such pretended Sees, Provinces, Dioceses, or Deaneries, is illegal and void: And whereas it is expedient to prohibit the Assumption of such Titles in respect of any Places within the United Kingdom: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That —

Briefs, Rescripts, or Letters Apostolical declared unlawful and void.

I. All such Briefs, Rescripts, or Letters Apostolical, and all and every the Jurisdiction, Authority, Pre-eminence, or Title conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void.

Persons procuring, publishing, or putting in use any such Brief, &c. for constituting Archbishops, Bishops, &c. of pretended Provinces, Sees, or Dioceses, liable to a Penalty of 100*l.* for every Offence.

II. And be it enacted, That if, after the passing of this Act, any Person shall obtain or cause to be procured from the Bishop or See of *Rome*, or shall publish or put in use within any Part of the United Kingdom, any such Bull, Brief, Rescript, or Letters Apostolical, or any other Instrument or Writing, for the Purpose of constituting such Archbishops or Bishops of such pretended Provinces, Sees, or Dioceses within the United Kingdom, or if any Person, other than a Person thereunto authorized by Law in respect of an Archbishopric, Bishopric, or Deanery of the United Church of *England* and *Ireland*, assume or use the Name, Style, or Title of Archbishop, Bishop, or Dean of any City, Town, or Place, or of any Territory or District, (under any Designation or Description whatsoever,) in the United Kingdom, whether such City, Town, or Place, or such Territory or District, be or be not the See or the Province, or co-extensive with the Province, of any Archbishop, or the See or the Diocese, or co-extensive with the Diocese, of any Bishop, or the Seat or Place of the Church of any Dean, or co-extensive with any Deanery, of the said United Church, the Person so offending shall for

for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered as Penalties imposed by the recited Act may be recovered under the Provisions thereof, or by Action of Debt at the Suit of any Person in One of Her Majesty's Superior Courts of Law, with the Consent of Her Majesty's Attorney General in *England* and *Ireland*, or Her Majesty's Advocate in *Scotland*, as the Case may be.

Recovery of Penalties.

III. This Act shall not extend or apply to the Assumption or Use by any Bishop of the Protestant Episcopal Church in *Scotland* exercising Episcopal Functions within some District or Place in *Scotland* of any Name, Style, or Title in respect of such District or Place; but nothing herein contained shall be taken to give any Right to any such Bishop to assume or use any Name, Style, or Title which he is not now by Law entitled to assume or use.

Act not to extend to Bishops of the Protestant Episcopal Church in Scotland.

IV. Be it enacted, That nothing herein contained shall be construed to annul, repeal, or in any Manner affect any Provision contained in an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Application of Charitable Donations and Bequests in* Ireland.

Nothing to affect Provisions of 7 & 8 Vict. c. 97.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and upon every Vacancy in the Office of any Commissioner appointed under this Act to appoint in like Manner some other Person to such Office; and the continuing Commissioners may act notwithstanding any such Vacancy; and all Powers and Duties vested in the said Commissioners by this Act may be exercised and executed by any Three of them.

Commissioners incorporated.

II. The Commissioners appointed under this Act shall for the Purposes of this Act be One Body Politic and Corporate by the Name of "The Metropolitan Cattle Market Commissioners," and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Lands, for the Purposes of this Act.

Commissioners may set out a Cattle and Meat Market, Slaughter-houses, and Lairs for Cattle.

III. It shall be lawful for the Commissioners to provide, build, and maintain, in such Situation as may appear to them convenient for the Purpose, and as may be approved of by One of Her Majesty's Principal Secretaries of State, Places for holding a Cattle Market, in lieu of the Market now holden in *Smithfield*, and a Meat Market, with Slaughter-houses and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses; and to provide, build, and maintain such Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, Slaughter-houses, and Lairs, as the Commissioners may think necessary; and to make and maintain all necessary and convenient Roads and Approaches to and from the Market Places, Slaughter-houses, and Lairs to be provided as aforesaid; and, with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen and improve such existing Road, for facilitating Ingress and Egress to and from such Market Places, Slaughter-houses, and Lairs; and it shall be lawful for the Commissioners to purchase by Agreement such Lands as they may deem necessary for the Purposes aforesaid: Provided always, that no Agreement for the Purchase of any Site for any of the Purposes aforesaid shall be made or entered into by the Commissioners without the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Commissioners to provide for the Supply of Water and Drainage.

IV. The Commissioners shall provide for the said Market Places, Slaughter-houses, and Lairs a sufficient Supply of Water, and may procure the same from any Water Company or Persons willing to contract for the Purpose, or may execute the Works necessary to obtain such Supply from Streams, Springs, or Wells, and purchase by Agreement or take on Lease any Streams, Springs, Lands, Rights, or Easements for the Purposes of such Supply, and the Works connected therewith; and the Commissioners shall cause the said

said Market Places, Slaughter-houses, and Lairs to be sufficiently drained, and may (subject to any Rights and Jurisdiction vested in the Metropolitan Commissioners of Sewers) execute the Works necessary for the Drainage thereof, or may procure such Works to be executed by such last-mentioned Commissioners.

Power to appoint Officers.

V. It shall be lawful for the Commissioners from Time to Time to appoint a Secretary and a Treasurer, and such Clerks, Collectors, Inspectors, and other Officers as they may think fit, for the Purposes of this Act, and from Time to Time to remove the Officers so appointed or any of them, and, with the Approbation of the Commissioners of Her Majesty's Treasury, to allow to such Officers respectively such Salaries and Wages as the Commissioners may think proper.

Commissioners may make Byelaws.

VI. It shall be lawful for the Commissioners from Time to Time to make Byelaws, for fixing or altering the Days upon which the Markets to be holden under this Act shall or may be held, for fixing the Hours for commencing and closing the said Markets on each Market Day, the Times at which Cattle and Horses respectively shall be brought into or exposed for Sale in the Market and removed therefrom, and for the letting, occupying, holding, and using of the Pens, Lairs, Stalls, Shops, Buildings, and Conveniences, for keeping the said Market Places, Slaughter-houses, and Lairs in a cleanly and proper State, and preventing the Exercise of Cruelty therein, for preventing Nuisances or Obstructions in the said Market Places or the immediate Approaches thereto, and generally for regulating, ordering, and governing the said Markets, Slaughter-houses, and Lairs, and the Conduct of Business therein; and the Commissioners may from Time to Time alter or repeal any such Byelaws, and may by such Byelaws impose such reasonable Penalties as they think fit, not exceeding Five Pounds for each Breach of such Byelaws, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid; provided always, that no Byelaw of the Commissioners shall be of any Force or Effect until the same has been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and such Byelaws shall be sealed with the Seal of the Commissioners, and published as herein-after mentioned.

Power to let the Slaughter-houses and the Stalls and Conveniences in the Market.

VII. It shall be lawful for the Commissioners from Time to Time to let, for such Rents or Payments and in such Manner as they may think fit, all or any of the Slaughter-houses to be provided under this Act, and such of the Stalls, Shops, Buildings, and Conveniences to be provided in or for the said Markets as the Commissioners may think may properly be exclusively occupied for a Term or Period: Pro-

Provided always, that no such Letting be for any longer Term than One Year.

Table of Tolls and Payments to be fixed.

VIII. The Commissioners shall, with the Approbation of the Commissioners of Her Majesty's Treasury, fix a Table of Tolls and Payments to be demanded and taken for or in respect of Cattle, Horses, and Meat brought into or exposed for Sale in the said Markets, and for or in respect of the Use of Pens, Lairs, and Conveniences provided under this Act, and may from Time to Time, with such Approbation as aforesaid, vary such Table of Tolls and Payments as they may see fit; provided always, that such Tolls and Payments do not exceed the several and respective Sums mentioned in the Schedule to this Act; and the Table of Tolls and Payments for the Time being payable under this Act shall be published as herein-after directed.

Byelaws and Table of Tolls and Payments to be set up in the Markets.

IX. Copies of all Byelaws for the Time being in force under this Act, affecting other Persons than the Officers of the Commissioners, and the Table of Tolls and Payments for the Time being payable under this Act in respect of the said Markets respectively, shall be painted in legible Characters on Boards to be set up and continued at each and every of the Entrances or in some conspicuous Position in the Place for holding the Market to which such Byelaws relate, or in respect of which such Tolls and Payments are payable; and such Boards shall from Time to Time be renewed, replaced, and restored when and so often as the same are destroyed, defaced, or removed: Provided always, that if any such Board be destroyed, defaced, or removed, such Byelaws, Tolls, and Payments shall continue in force and payable respectively during such Time as may be reasonably required for renewing, replacing, or restoring the same, in the same Manner as if the Destruction, Removal, or Defacement had not occurred.

Commissioners to report to Secretary of State when Markets provided, who is to publish Notice thereof, and of closing of Smithfield, in London Gazette.

X. When the Commissioners have provided the Market Places, Slaughter-houses, and Conveniences herein-before authorized to be provided, and fixed such Table of Tolls and Payments as aforesaid, and appointed the Market Days, and done all other Acts which may appear to them necessary previously to the opening of the said Market Places and Slaughter-houses, they shall report to One of Her Majesty's Principal Secretaries of State what they have done concerning the Premises, and shall annex to such Report a Copy of the Table of Tolls and Payments fixed as aforesaid; and it shall be lawful for such Secretary of State to fix a Time for the opening of the said Markets and Slaughter-houses, and by a Notice under his Hand, to be published in the *London Gazette*, to notify that such Market Places and Slaughter-houses have been provided, and the Time when the same will be opened, and that from the Time so mentioned *Smithfield* Market will cease to be a Market for the Sale of Cattle and

and Horses; and from and after the Time mentioned in such Notice *Smithfield* Market shall cease to be a Market for the Sale of Cattle or Horses, and Markets for the Sale of Cattle, Horses, and Meat shall be holden in the respective Places provided under this Act; and such Markets shall be deemed to be public Markets; and no new Market for the Sale of Cattle or Horses shall be opened in the City of *London* or *Westminster*, or the Liberties thereof, or the Borough of *Southwark*, or at any Place distant less than Seven Miles in a straight Line from *Saint Paul's* Cathedral in the City of *London*.

Markets, and Care and Management of the Market Places, and other Matters, vested in the Commissioners, &c.

XI. The Markets to be holden under this Act, and the Tolls and Profits thereof, and, subject to the Provisions of this Act, the Care, Management, and Control of the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters provided by the Commissioners under this Act, and of the said Markets, shall be vested in the Commissioners for the Purposes of this Act.

Cattle or Meat unfit for Food may be seized and destroyed.

XII. It shall be lawful for any Clerk or Inspector appointed under this Act, with or without Assistants, to inspect and examine any Cattle and Dead Meat exposed or offered for Sale in the Markets provided under this Act, or either of them, and for that Purpose to enter into any Building, Shop, Stall, Pen, or Place provided under this Act, and seize any such Cattle or Meat which may appear to him unfit for Human Food, and to report such Seizure to any Justice of the Peace having Jurisdiction in the Place; and such Justice may order such Cattle or Meat to be destroyed or otherwise disposed of in such Manner as may appear to him proper; and any Person exposing or offering for Sale as aforesaid Cattle or Meat unfit for Human Food shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Penalty.

Commissioners of Market may regulate Route and Times for driving of Cattle to and from Markets.

XIII. It shall be lawful for the Commissioners of the Market from Time to Time to make and publish Orders for regulating the Route within the Metropolitan Police District of Cattle to or from the Cattle Market to be holden under this Act, and the Times during which Cattle shall be allowed to be driven by such Routes, subject to the Approval of One of Her Majesty's Principal Secretaries of State; and any Person driving any Cattle within the Metropolitan Police District who shall disobey any such Order shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Tolls and Payments, when and to whom to be paid.

XIV. The Tolls for the Time being fixed by such Table of Tolls and Payments as aforesaid shall become due and payable immediately on the Cattle, Horses, or Meat in respect of which such Tolls are to be taken entering or being brought into the said

Markets Places respectively, from any Person driving or bringing the same or causing the same to be driven or brought into or exposing or offering the same for Sale in the said Market Places respectively; and the Payments for the Time being fixed by such Table for the Use of Pens, Lairs, and Conveniences shall become due and payable from the Persons using the same at such Times as for the Time being may be fixed by such Table; and all such Tolls and Payments as aforesaid shall be collected, received, and taken, on behalf of the Commissioners, by such Collectors or Persons as they may direct.

Expenses under this Act to be defrayed out of Monies received thereunder.

XV. The Expenses to be incurred by the Commissioners in providing and maintaining the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters to be provided and maintained by them under this Act, and the Salaries and Wages of the Officers appointed under this Act, and all other Expenses of the Commissioners under this Act, shall be charged upon and paid out of the Tolls, Rents, and Payments to be received by them under this Act.

Money received by Officers to be paid into the Bank

XVI. All Tolls, Rents, and Payments which shall be received under this Act by the Officers of the Commissioners shall be by such Officers forthwith paid to the Treasurer of the Commissioners, and by such Treasurer forthwith paid into the Bank of *England*, to the Credit of an Account to be intituled "The Account of the Metropolitan Cattle Market Commissioners."

Treasurer, &c. intrusted with Money to give Security for duly accounting for the same.

XVII. Before the Treasurer or any Officer appointed under this Act enter upon any Office or Employment by reason whereof he will or may be intrusted with the Custody or Control of Money under this Act, the Commissioners shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient.

Payments out of the Bank.

XVIII. The Money to be paid into the Bank of *England* under this Act shall be paid out upon Drafts or Orders signed by the Treasurer, and countersigned by Two or more of the Commissioners.

Power to raise Money by Mortgage.

XIX. It shall be lawful for the Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, and payable out of the Tolls, Rents, and Payments receivable by them under this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds which may appear

appear to the Commissioners necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the said Tolls, Rents, and Payments.

XX. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Nine, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Commissioners upon the Security of the Tolls, Rents, and Payments to be received by the Commissioners under this Act, and without requiring any further or other Security than a Mortgage of such Tolls, Rents, and Payments.

Commissioners of Public Works acting under 5 & 6 Vict. c. 9. may make Advances to the Board.

XXI. The Clauses of the "Commissioners Clauses Act, 1847," "with respect to the Mortgages to be executed by the Commissioners," shall be incorporated with this Act; and the Word "Rates," where used in the said Clauses, shall, for the Purposes of this Act, mean the Tolls, Rents, and Payments to be received by the Commissioners under this Act; and the Sum to be appropriated and set apart by the Commissioners every Year as a sinking Fund shall be such Sum as shall be from Time to Time directed in this Behalf by the Commissioners of Her Majesty's Treasury.

So much of 10 & 11 Vict. c. 16. as relates to Mortgages incorporated with this Act.

XXII. The Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Tolls, Rents, and Payments, and other Monies received by them or their Officers, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid; and the said Commissioners shall, in the Month of *January* in each Year, cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the Commissioners shall cause a full Statement and Account to be drawn out of all Contracts entered into, and of all Monies received and expended, by virtue of this Act, during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and the Commissioners shall give public Notice, by Advertisement to be inserted not less than twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Mortgagees under this Act, and of the Day fixed for auditing the Accounts; and the Commissioners

Accounts to be kept, and to be balanced.

An annual Statement to be prepared, and Notice to be given when ready for auditing.

Statement, &c. to remain at the Office

for Inspection.

missioners shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Mortgagee may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the Commissioners, on Payment of a Fee of One Shilling for each Inspection.

Audit of Accounts by Auditors of Public Accounts.

XXIII. The Accounts of the Commissioners shall be examined and audited by the Commissioners for auditing the Public Accounts of this Kingdom; and such Commissioners shall, in examining, trying, and auditing the first-mentioned Accounts, have all the Powers which are vested in them by Law for examining, trying, and auditing the said Public Accounts; and the Monies which may be received and become applicable for the Purposes of this Act shall be deemed Public Monies, and may be recovered in case of Default accordingly, but all Monies so recovered shall be paid into the said Account at the Bank of *England* for the Purposes of this Act.

Commissioners may contract.

XXIV. The Commissioners may enter into all such Contracts as they may think fit, for providing the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters by this Act authorized to be provided, and for any other Matters in relation to the Purposes of this Act in respect of which it may appear to the Commissioners expedient to enter into Contracts.

No Purchase or Contract exceeding 1,000*l.* to be made without Approbation of Treasury.

XXV. Provided always, That no Purchase, Building, or Work, where the Purchase Money or the estimated Expense of such Building or Work exceeds One thousand Pounds, shall be made, erected, or done, or any Contract for the same entered into, by the Commissioners under this Act, without the Approbation of the Commissioners of Her Majesty's Treasury.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXVI. "The Lands Clauses Consolidation Act, 1845," except the Clauses of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof," "with respect to the Recovery of Forfeitures, Penalties, and Costs," and "with respect to the Provision to be made for affording Access to the Special Act by all Parties interested," shall be incorporated with this Act, and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Commissioners under this Act.

Power to dispose of Lands not wanted.

XXVII. It shall be lawful for the Commissioners to sell and dispose of any Lands purchased by them under this Act which may appear

appear to them not to be required for the Purposes thereof, and for completing and carrying any such Sale into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the Commissioners; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied in like Manner as other Monies received under this Act.

Annual Reports and Abstract of Accounts to be made, and sent to Secretary of State.

XXVIII. The Commissioners shall, in the Month of *March* in every Year, send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, and shall, where any Variation has been made in the Table of Tolls and Payments since the preceding Report of the Commissioners, show such Variation in their Report, and shall with such Report send an Account in Abstract, showing the Receipt and Expenditure under this Act for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditors, if they have allowed such Accounts, or of the Parts, if any, which they have disapproved of such Accounts, and also a Statement of all Monies owing to and Debts owing by the Commissioners on the Thirty-first Day of *December* of such preceding Year; and the Commissioners shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings.

Reports to be laid before Parliament.

XXIX. Every Report, Account in Abstract, and Statement, to be sent to One of Her Majesty's Principal Secretaries of State under this Act, shall be laid before both Houses of Parliament within One Month after the Receipt thereof if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Slaughter-houses to be licensed.

XXX. From and after the First Day of *December* in the Year next following that in which the Slaughter-houses provided under this Act are opened no other Place within the Metropolitan Police District, as originally constituted and defined by the Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, shall be used as a Slaughter-house without a Licence had for that Purpose from the last preceding *Michaelmas* Quarter Sessions of the Peace for the

the County, Liberty, or Division in which such Place is situate (who are hereby authorized to grant such Licences where they, in their Discretion, think proper), signified under the Hands and Seals of Four or more of the Justices there assembled, and no Fee or Reward shall be taken for any such Licence; and if any Person use as a Slaughter-house any Place within the District aforesaid, other than the Slaughter-houses provided under this Act, which is not for the Time being licensed under this Act, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for obstructing Officers in Execution of this Act.

XXXI. Every Person who shall wilfully obstruct any Inspector, Collector, or other Officer or Person employed by the Commissioners, or any Person acting under his Authority, in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for defacing Boards.

XXXII. Every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Commissioners in or about the Markets provided under this Act, upon which any Bye-law or Table of Tolls and Payments shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

XXXIII. No Officer of the Commissioners shall be in anywise concerned or interested in any Contract or Work made with or executed for the Commissioners; and if any such Officer be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under the Commissioners, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; provided that no Person being a Shareholder of any Joint Stock Company established by Act of Parliament or by Charter shall be prevented from being employed as an Officer of the Commissioners by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company.

Recovery of Tolls and Payments.

XXXIV. If any Person liable to the Payment of any Toll under this Act in respect of any Cattle, Horse, or Meat brought into the said Market Places respectively, or to any Payment for the Use of any Pens, Lairs, or Conveniences provided under this Act, neglect or refuse to pay such Toll or Payment when the same becomes payable under this Act, it shall be lawful for the Commissioners,

or

or any Person in that Behalf authorized by them, to levy and recover such Toll or Payment by Distress and immediate Sale of any such Cattle, Horse, or Meat for which such Toll is payable, or of any Cattle, Horses, Meat, or other Articles brought into such Pens, Lairs, or Conveniences by the Person liable to such Payment for using the same, rendering the Overplus (if any) of the Money arising from the Sale thereof, on Demand, to the Owner of the Things sold, after deducting the reasonable Charge of the Distress and Sale; and in case any Dispute or Difference arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by Two Justices of the Peace for the County of *Middlesex*, who are hereby empowered and required, on Application being made to them for that Purpose, to summon the Parties before them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein and award such Costs to either Party as to such Justices in their Discretion shall seem meet, and by Warrant under their Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of any Cattle, Horses, Meat, Goods or Chattels, being the Property of the Party liable to pay the same, rendering the Overplus (if any) of the Money arising from the Sale thereof, on Demand, to the Owner of the Things sold, after deducting in every Case the reasonable Charges of such Distress and Sale: Provided always, that nothing herein contained shall extend to prevent the Commissioners from suing for and recovering in any Court of Record any Sum of Money which shall become payable to them for or in respect of any such Toll or Payment as aforesaid, if default be made in Payment thereof.

Recovery of Penalties.

XXXV. Every Person who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Byelaw of the Commissioners, shall be proceeded against, and such Penalty or Forfeiture shall be recovered, enforced, and applied, in the same Manner as the Persons liable to the Penalties and Forfeitures imposed under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, and such last-mentioned Penalties and Forfeitures may by Law be proceeded against, recovered, enforced, and applied respectively; and all Provisions, and Powers and Rights, which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures last mentioned, shall be applicable to the Proceedings against Persons liable to Penalties and Forfeitures under this Act, or any such Byelaw as aforesaid.

XXXVI. The

Proof of Publication of Byelaws, and Table of Tolls and Payments.

XXXVI. The Production of a written or printed Copy of the Byelaws, and of the Table of Tolls and Payments, authenticated by the Seal of the Commissioners, shall be Evidence of the Making, Approval, and Existence of such Byelaws and of the fixing and Existence of such Table of Tolls and Payments respectively, in all Prosecutions, Actions, and Proceedings under or concerning the same; and for Proof of the Publication of such Byelaws and Table of Tolls and Payments respectively it shall be sufficient to prove that painted Boards containing Copies thereof respectively were set up and continued in manner by this Act directed, and in case of any such Board having been destroyed, defaced, or removed, that it was renewed, replaced, or restored as soon as conveniently might be.

Power for Corporation of London to execute the Act.

XXXVII. Provided always, That if within Six Calendar Months after the passing of this Act the Mayor, Aldermen, and Commons of the City of *London* shall, under their Common Seal, signify to One of Her Majesty's Principal Secretaries of State that the said Mayor, Aldermen, and Commons desire to undertake the Execution of this Act, then, except in the Case of and after the Publication in the *London Gazette* of such Notice as herein-after mentioned, there shall not be made any Appointment of Commissioners under this Act, but the said Mayor, Aldermen, and Commons shall exercise the Powers and perform the Duties which by the Enactments herein-before contained would otherwise be to be exercised and performed respectively by Commissioners under this Act.

In that Case the Corporation to be subject to the same Control and Liabilities as the Commissioners.

The Corporation of London may declare their Intention to defray the Expenses of carrying this Act into execution out of their own Funds, and in such Case the Tolls, &c. to belong to them, and

XXXVIII. In case of such Signification as aforesaid, the said Mayor, Aldermen, and Commons shall, in respect of the Powers and Duties to be exercised and performed respectively under this Act, be subject to the same Liabilities and Control as the Commissioners appointed under this Act would otherwise have been subject to, except so far as respects the Appointment and Removal of such Commissioners, and the Incorporation, Title, and Common Seal of such Commissioners: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Commons, if they think fit, in such Signification of their Desire to undertake the Execution of this Act, to declare their Intention to defray the Expenses to be incurred in such Execution out of their own Funds, and in such Case such Expenses shall be defrayed accordingly; and the Provisions herein-before contained appropriating and directing the Application of the Tolls, Rents, and Payments to be received under this Act, and directing the Payment thereof to the Treasurer, and directing and regulating the Payment thereof into and out of the Bank of *England*, shall not be obligatory on the said Mayor, Aldermen, and Commons, but such Tolls, Rents, and Payments shall be received by the said Mayor,

Mayor, Aldermen, and Commons for their own Use, and shall be paid and applied as they may direct; and the Approbation of the Commissioners of Her Majesty's Treasury shall not be required to the Allowance of Salaries and Wages, and to Purchases, Buildings, Works, or Contracts by the said Mayor, Aldermen, and Commons; and the Provisions herein-before contained for the Appointment by the Commissioners of a Secretary and Treasurer for the Purposes of this Act, and for the Examination and Audit of the Accounts of the Commissioners by the Commissioners for auditing the Public Accounts, shall not be applicable to the said Mayor, Aldermen, and Commons.

certain Provisions not to be applicable

XXXIX. If, in case of such Signification as aforesaid, it shall, after the Expiration of Eighteen Calendar Months from such Signification, and within the Space of Three Years from such Signification, be made to appear to One of Her Majesty's Principal Secretaries of State, and such Secretary of State shall, by Notice published in the *London Gazette*, declare that the said Mayor, Aldermen, and Commons have made default in duly executing this Act, then the said Mayor, Aldermen, and Commons shall, from and after the Publication of such Notice, not exercise the Powers nor be liable to the Duties to be exercised and performed respectively under this Act, but the Enactments herein-before contained shall take effect as if there had been no such Signification as aforesaid by the said Mayor, Aldermen, and Commons.

If Corporation make default, Commissioners to execute the Act.

XL. Provided always, That if the said Mayor, Aldermen, and Commons shall not within Six Months after the passing of this Act signify their Desire to undertake the Execution of this Act, then, unless the Cattle Market authorized to be provided under this Act be opened in pursuance of the Provisions thereof within Three Years after the Expiration of such Six Calendar Months, so much of this Act as provides that *Smithfield* Market shall cease to be a Market for the Sale of Cattle or Horses shall, from and after the Expiration of such Three Years, cease and be void.

If Mayor, &c. do not within Six Months undertake Execution of Act, then, unless Market authorized be opened within a certain Time. Act to be void, &c.

XLI. Nothing in this Act contained shall extend or shall be deemed or construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor for the Time being of the said City, save and except as by this Act is expressly provided and enacted.

Saving Rights of the City of London.

XLII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, all such Estates, Rights, Titles, Interests, Powers,

Saving Rights of Her Majesty.

Powers, Authorities, Claims, and Demands whatsoever as She or they or any of them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not passed.

Short Title of the Act.

XLIII. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Metropolitan Market Act, 1851."

Interpretation of Terms.

XLIV. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Commissioners" shall mean the Commissioners appointed under this Act; the Word "Cattle" shall include Sheep, Lambs, and Swine; and the Word "Horse" shall include Mare, Ass, and Mule; the Word "Slaughter-house" shall mean a Place used for slaughtering Cattle.

The SCHEDULE.

Tolls.

Sheep. For every Score of Sheep sold, 2*d.* per Score.
Beasts. For every Score of Beasts sold, 20*d.* per Score.
Horses. For every Entry of Sale, 4*d.* each.
Pigs. For every Score, 4*d.*

Dues.

Pens for Sheep, Calves or Pigs. Permanent Pens, 1*s.* each.
Ties for Beasts or Calves, 1*d.* each; for Horses, 2*d.* each.
Hay Duty, 6*d.* per Load; and for each Entry of Sale, 1*d.*
Straw Duty, 1*d.*; for each Entry of Sale, 1*d.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Goods in Warehouse on 16th April 1851 to be subject only to the Duties hereby imposed.

II. That such of the several Sorts of Goods as are by this Act charged with Duty as shall have been warehoused without Payment of Duty upon the Importation thereof, and which shall be in the Warehouse on the Sixteenth Day of *April* One thousand eight hundred and fifty-one, shall be deemed and taken to be liable to such Duties only.

Duties to be under the Management of the Commissioners of Customs.

III. That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be passed relating to the Customs.

Treasury may regulate the Mode of Account between Receiver General of Customs and the Bank of England.

IV. And whereas by an Act passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, Chapter Fifteen, to regulate the Office of the Receipt of His Majesty's Exchequer at *Westminster*, it is enacted, "That it shall be lawful for the Commissioners of the Treasury from Time to Time to establish Rules and Regulations for keeping the Accounts of the several respective Departments of the Revenue with the Bank of *England*, and for the Payment of the Public Monies collected by such Departments to the Account of the Exchequer:" And whereas Doubts are entertained whether these Provisions, so far as they relate to the Receiver General of the Customs and to the Revenue of Customs, may not have been in part repealed by an Act passed in the Eighth and Ninth Years of Her present Majesty, Chapter Eighty-five, for the Management of the Customs: Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to establish such Rules and Regulations for keeping the Accounts of the Receiver General of the Customs with the Governor and Company of the Bank of *England*, and also for Payment out of such Accounts of the Public Monies collected by that Department of the Revenue as they may think necessary for Her Majesty's Service, which Rules and Regulations shall be of full Force and Authority, anything in the said Act of the Eighth and Ninth Years of Her Majesty to the contrary notwithstanding.

TABLE referred to in this Act.

	£	s.	d.
Coffee, the lb. - - - - -	0	0	3
——— Kiln-dried, roasted, or ground, the lb. - -	0	0	6
Upon Timber and Wood Goods not otherwise charged with Duty:			
Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet - - -	0	7	6
Deals, Battens, Boards, or other Timber, or Wood sawn or split, and not otherwise charged with Duty, the Load of 50 Cubic Feet - - - - - -	0	10	0
Staves, if exceeding 72 Inches in Length, 7 Inches in Breadth, or 3½ Inches in Thickness, the Load of 50 Cubic Feet - - - - - - -	0	9	0
Handspikes, not exceeding 7 Feet in Length, the 120 -	0	6	0
——— exceeding 7 Feet in Length, the 120 -	0	12	0
Knees, under 5 Inches square, the 120 - - -	0	3	0
——— 5 Inches and under 8 Inches square, the 120 -	0	12	0
Lathwood, the Fathom of 216 Cubic Feet - -	0	12	0
Oars, the 120 - - - - -	2	5	0
Spars or Poles, under 22 Feet in Length, and under 4 Inches in Diameter, the 120 - - -	0	6	0
——— 22 Feet in Length and upwards, and under 4 Inches in Diameter, the 120 - - -	0	12	0
——— of all Lengths, 4 Inches and under 6 Inches in Diameter, the 120 - - - -	1	4	0
Wood planed, or otherwise dressed or prepared for Use, and not particularly enumerated or otherwise charged with Duty, per Foot of Cubic Contents - -	0	0	2
And further for every 100*l.* Value - - -	10	0	0

Or,

Customs.

Or, in lieu of ascertaining the Cubical Contents in Pile, the Importer may have the Option, at the Time of passing the First Entry, in respect of Planks, Deals, Deal Ends, Battens, and Batten Ends, of entering the same by Tale upon a Computation of their Cubic Content, calculated according to the under-mentioned Scale, specifying in such Entry the Number and Dimensions of the several Pieces included therein; and the Duties imposed thereon by this Act shall be ascertained, computed, and charged upon the Planks, Deals, Deal Ends, Battens, and Batten Ends included in such Entry on the Cubical Contents thereof, computed in conformity with the said Scale.

—	Planks.	Deals.	Battens.		
	3 × 11 Inch and not above 3¼ × 11½ Inch.	3 × 9 Inch and not above 3¼ × 9½ Inch.	3 × 7 Inch and not above 3¼ × 7¼ Inch.	2½ × 7 Inch and not above 2⅝ × 7¼ Inch.	2½ × 6½ Inch and not above 2⅝ × 6⅝ Inch.
	Cubic Feet.	*Cubic Feet.*	*Cubic Feet.*	*Cubic Feet.*	*Cubic Feet.*
Not above 4 Feet in Length, the 120	115	95	73	61	57
Above 4 Feet and not above 5 Feet in Length, the 120 - -	144	118	91	77	71
Above 5 Feet and not above 6 Feet in Length, the 120 - -	173	142	110	92	86
Above 6 Feet and not above 7 Feet in Length, the 120 - -	202	165	128	107	100
Above 7 Feet and not above 8 Feet in Length, the 120 - -	231	189	146	123	114
Above 8 Feet and not above 9 Feet in Length, the 120 - -	260	213	165	138	128
Above 9 Feet and not above 10 Feet in Length, the 120 - -	288	236	183	153	143
Above 10 Feet and not above 11 Feet in Length, the 120 - -	317	260	201	169	157
Above 11 Feet and not above 12 Feet in Length, the 120 - - -	346	284	220	184	171
Above 12 Feet and not above 13 Feet in Length, the 120 - -	375	307	238	200	185
Above 13 Feet and not above 14 Feet in Length, the 120 - -	404	331	256	215	200
Above 14 Feet and not above 15 Feet in Length, the 120 - - -	433	354	274	230	214
Above 15 Feet and not above 16 Feet in Length, the 120 - -	462	378	293	246	228
Above 16 Feet and not above 17 Feet in Length, the 120 - - -	490	402	311	261	242
Above 17 Feet and not above 18 Feet in Length, the 120 - - -	519	425	329	276	257
Above 18 Feet and not above 19 Feet in Length, the 120 - -	548	449	348	292	271
Above 19 Feet and not above 20 Feet in Length, the 120 - - -	577	473	366	307	285
Above 20 Feet and not above 21 Feet in Length, the 120 - -	606	496	384	322	300

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

second, to defray the necessary Expenses of running the (Boundary) Line as settled, (in case such Funds should prove insufficient, the Expenses to be borne equally by the respective Governments,) and, third, the Balance of such Funds to the Improvement of the Land and Water Communication between the Great Falls of the *Saint John* and the *Saint Lawrence*: And whereas, in pursuance of the Agreement in this Behalf, the Governor General of *Canada* named *Thomas Falconer* Esquire to be One of the said Arbitrators, and the Lieutenant Governor of *New Brunswick* named *Travers Twiss* Doctor of Laws, to be another of the said Arbitrators, and the said *Thomas Falconer* and *Travers Twiss* named the Right Honourable *Stephen Lushington*, Judge of the Admiralty Court, to act as the Third Arbitrator: And whereas on the Seventeenth Day of *April* One thousand eight hundred and fifty-one the said *Stephen Lushington* and *Travers Twiss* made an Award concerning the said Boundary, and transmitted the same, together with a Plan therein referred to, to the Right Honourable Earl *Grey*, One of Her Majesty's Principal Secretaries of State, and such Award is in the following Terms:

Appointment of Arbitrators between Canada and New Brunswick.

Award of Dr. Lushington and Dr. Twiss, 17th April 1851.

" That *New Brunswick* shall be bounded on the West by the " Boundary of the United States, as traced by the Commissioners of " Boundary under the Treaty of *Washington* dated *August* 1842, " from the Source of the *Saint Croix* to a Point near the Outlet of " Lake *Pech-la-wee-kaa-co-nies* or Lake *Beau*, marked A. in the " accompanying Copy of a Part of Plan 17 of the Survey of the Boundary under the above Treaty; thence by a straight Line connecting " that Point with another Point to be determined at the Distance of " One Mile due South from the Southernmost Point of *Long* Lake; " thence by a straight Line drawn to the Southernmost Point of the " Fiefs *Madawaska* and *Temiscouata*, and along the South-eastern " Boundary of those Fiefs to the South-east Angle of the same; thence " by a meridional Line Northwards till it meets a Line running East " and West, and tangent to the Height of Land dividing the Waters " flowing into the River *Rimouski* from those tributary to the *Saint* " *John;* thence along this tangent Line Eastward until it meets another " meridional Line, tangent to the Height of Land dividing Waters " flowing into the River *Rimouski* from those flowing into the *Restigouche* River; thence along this meridional Line to the 48th " Parallel of Latitude; thence along that Parallel to the *Mistouche* " River; and thence down the Centre of the Stream of that River to " the *Restigouche;* thence down the Centre of the Stream of the " *Restigouche* to its Mouth in the Bay of *Chaleurs;* and thence " through the Middle of that Bay to the Gulf of the *Saint Lawrence;* the Islands in the said Rivers *Mistouche* and *Restigouche* to " the Mouth of the latter River at *Dalhousie* being given to *New* " *Brunswick:*"

"*Brunswick*:" And whereas it is expedient that the said Boundary should be settled in conformity with the said Award: Now, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. *New Brunswick* shall be bounded as in the said Award mentioned; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint such Person or Persons as he may think fit to ascertain, define, and mark the Boundary Line between the said Province of *New Brunswick* and the said Province of *Canada*, according to the Intent of the said Award.

The Line described in the Award to be the Boundary, and to be set out accordingly.

II. The net Proceeds of the Funds in the Hands of the local Governments of the said Provinces of *Canada* and *New Brunswick* respectively arising from the Territory heretofore in dispute between such Provinces shall be applied according to the Terms herein-before mentioned of the said Agreement concerning the same.

The Funds accrued from the disputed Territory to be applied according to the Agreement.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXIV.

An Act to repeal the Act for constituting Commissioners of Railways. [7th *August* 1851.]

WHEREAS an Act was passed in the Session holden in the Ninth and Tenth Years of Her Majesty (Chapter One hundred and five), for constituting Commissioners of Railways: And whereas it is expedient that the said Act should be repealed, and Provision be made for the Exercise and Performance of the Powers and Duties which since the passing of the said Act have been vested in or imposed on the said Commissioners: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 & 10 Vict. c. 105.

I. From and after the Tenth of *October* One thousand eight hundred and fifty-one the said Act shall be repealed, and all Powers, Rights, Authorities, and Duties vested in or exercised or performed by the Commissioners of Railways under any Act passed since the passing of the said recited Act, or which may be passed during the present Session of Parliament, shall be transferred to and vested in and performed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations as if they had been named in such Acts instead of the said Commissioners; and

Recited Act repealed, and Powers, &c. of Commissioners of Railways under subsequent Acts transferred to Board of Trade.

and all Proceedings pending before the said Commissioners on the said Tenth of *October*, or carried on under their Authority, shall be continued and carried on by and before the Lords of the said Committee, who shall have, exercise, and perform the same Powers, Rights, Authorities, and Duties in respect of all such Proceedings as might have been exercised or performed by such Commissioners in case this Act had not been passed.

Power to continue Officers appointed by Commissioners of Railways.

II. It shall be lawful for the Lords of the said Committee, with the Approval of the Commissioners of Her Majesty's Treasury, to continue, for the Transaction of the Business transferred to the Lords of the said Committee under this Act, all or any of the Officers and Servants appointed by the said Commissioners of Railways, and from Time to Time, with such Approval, to remove such Officers and Servants, or any of them.

Appointments, Orders, &c., of the Board of Trade how to be signified.

III. Where by any Act relating to Railways or to any Railway the Commissioners of Railways or the Lords of the said Committee are empowered or required to make or issue any Appointment, Authority, Determination, Order, Requisition, Regulation, Certificate, or Notice, or to do any other Act, the Lords of the said Committee may, after the said Tenth of *October*, signify such Appointment, Authority, Determination, Order, Requisition, Regulation, Certificate, Notice, or other Act by a written or printed Document, signed by One of the joint Secretaries of the Lords of the said Committee, or by some Assistant Secretary, or other Officer appointed by them to sign Documents relating to Railways; and every Appointment, Authority, Determination, Order, Requisition, Regulation, Certificate, Notice, or other Act signified by a written or printed Document purporting to be so signed as aforesaid, shall be deemed to have been duly made, issued, or done by the Lords of the said Committee; and every such Document shall be received in Evidence in all Courts and before all Justices and others, without Proof of the Authority or Signature of such Secretary or other Officer, or other Proof whatsoever, until it be shown that such Document was not signed by the Authority of the Lords of the said Committee.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Application to Presentment Sessions, a Sum not exceeding One Shilling in the Pound on the Amount of the Collection of such Monies from such Barony or Baronies where such Difficulties shall occur, to be paid to any High Constable or Collector for his Trouble in collecting the same, and the said Provision was by an Act of the Twelfth and Thirteenth Years of Her Majesty's Reign further continued in force to the End of the Year One thousand eight hundred and fifty-one: And whereas it is expedient that the said Provision should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

12 & 13 Vict. c. 32.

Certain Provision of 11 & 12 Vict. c. 26. further continued.

I. That the said Provision of the said first-recited Act shall be continued and be in force to the End of the Year One thousand eight hundred and fifty-two.

Recited Act 11 & 12 Vict. c. 32. continued to the End of the Year 1852

II. And whereas by another Act of the Eleventh and Twelfth Years of Her Majesty's Reign, intituled *An Act to facilitate the Collection of County Cess in* Ireland, Provision is made relating to the Collectors of Grand Jury Cess, and the Payment of the same for a limited Time in *Ireland:* And whereas the said last-mentioned Act was by the before-mentioned Act of the Twelfth and Thirteenth Years of Her Majesty further continued in force to the End of the Year One thousand eight hundred and fifty-one; and it is expedient further to continue the same for a limited Time: Be it therefore enacted, That the last-recited Act of the Eleventh and Twelfth Years of Her Majesty shall be extended and continued to the End of the Year One thousand eight hundred and fifty-two, and that the Provisions of the said Act, and the respective Powers and Authorities by the said Act given to Grand Juries at the Assizes, and to Magistrates at any Sessions, shall be respectively applied and extended to Grand Juries at any Assizes and to Magistrates at any Sessions respectively, as the Case may be, within the Period for which the said Act is hereby extended and continued.

Provisions of 12 & 13 Vict. c. 36. still in force further continued.

III. And whereas an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of Her present Majesty's Reign, intituled *An Act to make Provision during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in* Ireland, *and to the Remuneration of the Collectors thereof;* and it is expedient that the Provisions of the said last-mentioned Act which are now in force should be further continued: Be it therefore enacted, That all the Provisions and Powers of the said last-mentioned Act

Act which are now continuing and in force shall be further continued and be in force until the End of the Year One thousand eight hundred and fifty-two.

For rectifying a clerical Error in Section 51. of 6 & 7 W. 4. c. 84. as to the Words "Upper Talbotstown" and "Lower Talbotstown," and authorizing Lord Lieutenant to issue a new Order in Council.

IV. And whereas under the Provisions of an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Eighty-four, and Section Fifty-one, the Lord Lieutenant of *Ireland* in Council was empowered, in the Cases therein mentioned, to make an Order directing that a detached or isolated Portion of a County or Barony should be annexed to or incorporated with the County or Barony wherein the same may be locally situate or by which it may be surrounded, or if such detached or isolated Portion of a County or Barony shall lie between Two or more Counties or Baronies then and in such Case directing the same to be annexed to such of the said contiguous Counties or Baronies as he and they may think proper: And whereas, under the said Provisions, by an Order bearing Date on or about the Ninth Day of *February* One thousand eight hundred and forty-two, the Lord Lieutenant and Privy Council of *Ireland* did order that a certain detached Portion of the County of *Dublin*, which was isolated between the Counties of *Wicklow* and *Kildare* should be annexed to the County of *Wicklow* and to the Barony of *Upper Talbotstown* in the said County: And whereas the Words "*Upper Talbotstown*" inserted in the said Order were inserted therein by a clerical Error, and instead thereof the Words "*Lower Talbotstown*" were intended to have been and ought to have been inserted therein: And whereas Inconvenience has arisen from the said District being so annexed to the Barony of *Upper Talbotstown;* and it is expedient for the Purposes of Grand Jury Cess and other Purposes that a new and amended Order should be issued for annexing the said District to the Barony of *Lower Talbotstown:* Be it therefore enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* in Council, by an Order to be published in the *Dublin Gazette*, to cancel the said Order bearing Date on or about the Ninth Day of *February* One thousand eight hundred and forty-two, and to order and declare that the said District shall be annexed to the Barony of *Lower Talbotstown* in the County of *Wicklow;* and such Order when so made shall have like Force and Effect, and shall and may be carried into execution in like Manner, and with and subject to like Powers and Regulations, as any Order issued under the said recited Provision of the said last-mentioned Act; and it shall be lawful for the Grand Jury of the County of *Wicklow* at the Assizes, with the Approbation of the Judge or Judges of Assize, to adjust the Proportions of the Amount of Grand Jury Cess to be thenceforth paid by the respective Baronies of *Upper Talbotstown* and *Lower Talbotstown*, or other Baronies of the said County,

Proportions of Grand Jury Cess to be payable by such Baronies to be adjusted by the Grand Juries.

County, by reason of such Change and Annexation as aforesaid, according to the respective Valuation under the Laws in force for the Time being for the Valuation of rateable Property; and the Grand Jury Cess of such respective Baronies shall be thenceforth levied and paid according to such Proportions so adjusted until otherwise altered by due Course of Law.

Provisions of 13 & 14 Vict. c. 82. extended to County of Dublin.

V. And whereas an Act was passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, intituled *An Act to extend the Remedies for the Collection of Grand Jury Cess in* Ireland: And whereas Doubts are entertained whether such Act extends to the Collection of County Cess in the County *Dublin*: Be it enacted, That in the County of *Dublin* any Grand Jury Cess may be levied by like Remedies, in like Manner, and subject to like Provisions, as in the said recited Act contained and provided for the Collection of Grand Jury Cess in other Counties.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

ments leviable under the said recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments: And whereas another Act was passed in the Fifth Year of His said Majesty King *George* the Fourth, Chapter Thirty-eight, whereby specific Allotments out of the said annual Grant of Five thousand Pounds were made to the Counties therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same; namely, the Sum of One thousand and sixty-six Pounds to the County of *Inverness*, the Sum of Four hundred and thirty-eight Pounds to the County of *Ross*, the Sum of Two hundred and twenty-two Pounds to the County of *Sutherland*, and the Sum of One hundred and fifteen Pounds to the County of *Caithness*: And whereas the said recited Acts were amended by an Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-three, and by another Act passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty: And whereas a very large Extent of Roads has been made, and a great Number of Bridges have been erected, under the said recited Acts, and great Benefit has been derived to the Northern Part of the Empire and to the Country at large from the improved Intercourse thereby effected: And whereas the Stone Bridge over the River *Ness* at the Royal Burgh of *Inverness* was by a Flood in the said River in the Month of *January* One thousand eight hundred and forty-nine swept away, whereby the Communication with the Northern Counties of *Scotland* has been greatly impeded, and it is essential for the restoring and maintaining of such Communication that the Bridge should be rebuilt; but there are no adequate available Means of defraying the Expenses of rebuilding the same, and it is therefore expedient that Public Assistance should be afforded for this Purpose to the Extent and on the Conditions herein-after set forth: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

11 & 12 Vict. c. 40.

Recited Acts, except as hereby altered, to continue in force.

I. That the said recited Acts, excepting in so far as the same are hereby altered, shall continue in full Force, and shall be as effectual towards the carrying this Act and the Purposes and Provisions thereof into execution, as if the new Bridge and Approaches thereto by this Act authorized to be made and maintained were Roads and Bridges in the Care and Management of the Commissioners of Highland Roads and Bridges under and in virtue of the said recited Acts or any of them.

Sum of 7,700*l.* to be applied

II. And whereas, by a Resolution of the House of Commons of the Nineteenth Day of *July* One thousand eight hundred and fifty-one, the

the Sum of Seven thousand seven hundred Pounds was granted to Her Majesty towards the Erection of a new Bridge at *Inverness*: Be it enacted, That the said Sum of Seven thousand seven hundred Pounds shall be applied by the said Commissioners of Highland Roads and Bridges towards the Expense of erecting and constructing the new Bridge by this Act authorized to be made and maintained, in such Manner as shall be approved of by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and to no other Purpose whatsoever.

towards the Expense of the new Bridge.

III. That it shall be lawful for the said last-mentioned Commissioners to advance by way of Loan to the said Commissioners of Highland Roads and Bridges, for the Purposes of this Act, any further Sum not exceeding Ten thousand seven hundred Pounds, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be repaid, with Interest, in manner herein-after provided.

Treasury authorized to advance 10,700*l.* by way of Loan.

IV. That to make Provision for Payment of the annual Interest and for Repayment of the Capital of the said Sum of Ten thousand seven hundred Pounds to be advanced in Loan as aforesaid there shall, upon the Advance by the said Commissioners of the Treasury of all or any Part of the said Loan of Ten thousand seven hundred Pounds, be appropriated to the Repayment of the Sum advanced, and Interest thereof, such Part of the Sums allotted as herein-before mentioned to the said Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness*, out of the said annual Grant of Five thousand Pounds, as will produce an annual Payment at the Rate of Six Pounds Ten Shillings for every One hundred Pounds of the Sum so advanced, and so in proportion for any lesser Amount, and such annual Payment shall be made for the Term of Twenty-two Years, to be computed from the Sixth Day of *April* or Tenth Day of *October* which shall first happen after such Advance, and such annual Payment shall be made by equal Half-yearly Payments on the Sixth Day of *April* and Tenth Day of *October* in every Year, the First of such Payments to be made on the Second of such Days which shall happen after the making of such Advance; and such annual Payment of Six Pounds Ten Shillings *per Cent.* upon the Sum or Sums to be advanced in Loan as aforesaid shall be chargeable rateably and proportionally upon the Sums allotted as aforesaid to the Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness* respectively, and shall either be deducted from the Sums so allotted before the Issue thereof to the said Commissioners of Highland Roads and Bridges, or, as the said Commissioners of the Treasury may direct, shall, if issued, be repaid by the said Commissioners of Highland Roads and Bridges to the said Commissioners of the Treasury,

Commissioners of Highland Roads and Bridges to deduct or repay certain Proportions from County Allotments, to be applied in Payment of Interest and Repayment of Capital of the Sum advanced in Loan.

sury, in satisfaction and extinction in either Case of the said Loan and Interest thereof as aforesaid; and it shall be lawful for the said last-mentioned Commissioners from Time to Time to give such Directions to the said Commissioners of Highland Roads and Bridges in regard to the Payment to the Treasury of the Sums to be deducted as aforesaid as to the said Commissioners of the Treasury shall seem proper, and the said Commissioners of Highland Roads and Bridges shall comply with such Directions in all respects until the said Loan shall be wholly repaid as aforesaid.

Sums deducted to be deemed Monies expended on Highland Roads and Bridges under the recited Acts.

V. Provided always, That the Sums so to be deducted and applied shall, as regards the Powers of Assessment on the said Counties contained in the said recited Acts or any of them, and for the Purpose of regulating the Amount of such Assessment, be deemed and taken to be Monies applied and expended in the Maintenance and Repair of the Parliamentary and Military Roads in the said several Counties respectively under and by virtue of the said recited Acts.

Commissioners of Supply authorized to levy increased Assessment under the recited Acts to supply Deficiencies.

VI. That for supplying the Deficiency to arise by the Deductions from the said several Sums allotted to the said several Counties as aforesaid, or by the Expense which it may be necessary to incur for maintaining and repairing the said Bridge when finished, it shall be lawful for the Commissioners of Supply in each of the said several Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness* respectively to increase the Amount of the Assessment to be made in each of the said Counties by the Amount of the Sum which shall have been or shall be in each Case deducted and applied by the said Commissioners of Highland Roads and Bridges as aforesaid, with such and the like Powers and Authorities for enforcing the Payment thereof, and subject to such and the like Conditions and Restrictions, as are in that Behalf contained or imposed in or by the said recited Acts or any of them.

Deposited Plan, Sections, and Book of Reference to be open for Inspection.

VII. And whereas a Plan of the new Bridge, Approaches, and other Works to be made and maintained under the Authority of this Act, and Sections showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in, through, or into which the same are intended to be made, have been deposited with the Sheriff Clerk of the County of *Inverness*, and with the Town Clerk of the Burgh of *Inverness*, at their respective Offices in *Inverness*: Be it enacted, That such Plans, Sections, and Books of Reference shall be kept by the said Clerks, who shall permit all Persons interested to inspect the same at all seasonable Times, and shall make or allow to be made Copies thereof or Extracts therefrom for any Person requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

VIII. That

VIII. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference, it shall be lawful for the said Commissioners of Highland Roads and Bridges to apply to the Sheriff of the County of *Inverness* for the Correction thereof, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction; and if it shall appear to the Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in his Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described, and such Certificate shall be deposited in the Office of the principal Sheriff Clerk of the County of *Inverness*, and in the Office of the Town Clerk of *Inverness*, and also with the Session Clerk of the United Parishes of *Inverness* and *Bona* at his usual Place of Residence, and such Certificates shall be kept by such Sheriff Clerk, Town Clerk, and Session Clerk respectively along with the other Documents to which the same relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners to make the said Works in accordance with such Certificate.

Errors and Omissions may be corrected by Sheriff of Inverness, who shall certify the same.

Certificate to be deposited.

IX. That true Copies of the said Plan, Sections, and Book of Reference, or of any Alteration or Correction thereof or Extracts therefrom, certified by such Sheriff Clerk or Town Clerk, which Certificate such Sheriff Clerk or Town Clerk shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies of Plan, &c. to be Evidence.

X. That in so far as applicable and not inconsistent with or not otherwise provided for or not varied by this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

XI. That, subject to the Provisions of this Act and of the Acts herein-before recited and the Act incorporated herewith, it shall be lawful for the said Commissioners of Highland Roads and Bridges to make, build, and maintain a new Bridge over the River *Ness* of such Form and Dimensions and of such Materials as they may think fit, with the Approaches thereto and other Works described upon the said Plan, in the Situation and upon the Lands delineated thereon and described in the said Book of Reference, and also to make, build, and maintain all necessary and proper Abutments, Ramparts, Piers, Walls, Banks, Weirs, Ways, and other Works for laying and securing the

As to Construction of new Bridge, Approaches, and other Works.

the Foundation, and for the Use, Protection, and Support of the said new Bridge, and to enter upon, take, and use such of the said Lands, and such Parts of the Bed or Channel and of the Banks of the said River, as shall be necessary for these Purposes: Provided always, that before commencing the Construction of the said Bridge, Approaches, and other Works the Plans thereof shall be submitted to and be approved in Writing by the said Commissioners of the Treasury.

Power to deviate in Construction of Works.

XII. That it shall be lawful for the said Commissioners of Highland Roads and Bridges in executing the said Works to deviate from the Line delineated on the said Plan to the Extent or Distance of the Limits of Deviation marked thereon, provided that the Works shall not by means of such Deviation be made to extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Plans and Working Drawings to be deposited at the Admiralty Office for Approval.

XIII. That previously to constructing the said Bridge, or any Part of the Works connected therewith, the said Commissioners of Highland Roads and Bridges shall deposit at the Admiralty Office, *Whitehall*, Plans and Working Drawings of the Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and, notwithstanding anything in this Act contained, the said Bridge and Works connected therewith shall be commenced and constructed only according to such Plan as shall be previously approved of by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and if any Bridge or Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Commissioners of Highland Roads and Bridges, and the Amount thereof shall be a Debt due to the Crown and be recoverable accordingly.

Works and Materials vested in Commission.

XIV. That the said Bridge, Approaches, and other Works, and all the Materials used in the Construction thereof, shall be vested in the said Commissioners of Highland Roads and Bridges, as well during the

the Construction thereof as after the same shall be completed, in such and the like Manner, and to the like Effect and Purpose, as if the said Bridge, Approaches, and other Works had been made and completed under the said recited Acts or any of them.

ers of Highland Roads and Bridges.

XV. That the Powers granted by this Act and the Act incorporated herewith for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period for compulsory Purchase of Lands limited.

XVI. That it shall be lawful for the said Commissioners of Highland Roads and Bridges to acquire by Purchase, Feuing, Lease, or otherwise, and it shall be lawful for all Persons whatsoever, though under any legal Disablity, to sell, feu, let, or convey to them, all such Lands, Buildings, or Heritages as the said Commissioners shall deem necessary for making convenient Places for breaking and storing Materials, and depositing Mud, Sand, or other Matter removed from any of the Roads under their Charge; and it shall be lawful for the said Commissioners and the Owners and Occupiers of such Lands, Buildings, or Heritages to contract and agree for the Value thereof, or for the Loss or Damage to be occasioned by the making of such Places accordingly.

Power to acquire Spaces for storing Materials.

XVII. That the Tolls made payable and levied by and under the said recited Acts or any of them shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Stage Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing any Toll Bar erected or to be erected and maintained under the Authority of the said recited Acts or any of them; provided that no such Stage Coach or Stage Carriage shall be liable on account of any Change of Horses for any Toll Duty not otherwise exigible.

Tolls to be leviable on Stage Coaches, &c. on every Time of passing or repassing.

XVIII. Provided always, That it shall not be lawful to levy any Toll, Pontage, or Rate upon, for, or in respect of the said Bridge or the Approaches to be made thereto in virtue of this Act; but from and after the Completion of the said Bridge and Approches the same shall be and remain open and free to the Use of the Public in all Time coming.

Tolls not to be levied on the Bridge or Approaches.

XIX. That nothing contained in this Act or in the Act incorporated herewith shall extend to authorize the said Commissioners of Highland Roads and Bridges to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in

Saving Rights of the Crown.

in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

large Quantities of Gunpowder by Lessees under Leases granted by the Corporation of that Town: And whereas the keeping of Gunpowder in the said Magazines or Storehouses is extremely dangerous to the Inhabitants in the immediate Neighbourhood, and to the Town and Docks of *Liverpool*, and the Shipping in that Port; and it is expedient that the Exemption of the said Magazines or Storehouses in the said recited Act contained should be repealed, after a Time allowed for providing more suitable Magazines for the Purpose, and that in the meantime Precautions should be taken in relation to the said Magazines or Storehouses, and that Provision should be made for the Establishment and Regulation of such more suitable Magazines: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Exemption in recited Act as to keeping Gunpowder in certain Storehouses repealed after Expiration of Ten Months from Notification in Gazette of suitable Places for Mooring of Vessels in the River Mersey is provided.

I. So much of the said Act as exempts from the Operation thereof the keeping of Gunpowder at the Magazines or Storehouses aforesaid shall be repealed from and after the Expiration of Ten Months after such Notification in the Gazette of the Appointment of suitable Places for the Mooring of Vessels in the River *Mersey* as is hereinafter provided, and the said Magazines or Storehouses shall thenceforth cease to be used for the Storage or keeping of Gunpowder; and any Person thereafter having or keeping, or permitting to be had or kept, in the said Magazines or Storehouses or any of them, at any One Time, more than Two hundred Pounds of Gunpowder, shall be subject to the Penalties imposed by the said Act upon any Person being a Dealer in Gunpowder having or keeping at any One Time more than Two hundred Pounds of Gunpowder in any Magazine or Storehouse within any City, Borough, or Market Town of *Great Britain*, and all the Provisions of the said Act in relation to the Penalties thereby imposed shall be applicable to the Penalties imposed by this Act.

Regulations as to the Use of the Magazines previously to their Discontinuance.

II. Provided, that after the passing of this Act, and until the Time by this Act appointed for the Discontinuance of the said Magazines or Storehouses for the Storage or keeping of Gunpowder, the said Magazines and Storehouses may be used for the Storage or keeping of Gunpowder under the following Conditions and not otherwise; *viz.*, the Lessees and Occupiers and all Persons having the Care and Control of the said Magazines or Storehouses shall observe and perform all such Regulations and Directions in relation to the Care and Management of the said Magazines and Storehouses, and the Quantity of Gunpowder to be at any One Time stored in the said Magazines and Storehouses and the Storage of the

Gunpowder therein, and the bringing or Removal of Gunpowder into or from the same, as shall be from Time to Time prescribed by the Master General of Her Majesty's Ordnance; and all such Regulations and Directions shall be published in the *London Gazette*, and shall take effect at such Time as shall be therein mentioned in this Behalf, or, if no Time be mentioned, then at the Expiration of Seven Days after such Publication thereof; and if any Lessee or Occupier or Person having the Care and Control of the said Magazines or Storehouses or any of them make any wilful Neglect or Default in the Observance or Performance of the said Regulations and Directions he shall be guilty of a Misdemeanor.

Lord High Admiral, with Approval of the Master General of the Ordnance and the Conservators of the River Mersey, may appoint Places for mooring Vessels for storing Gunpowder in the said River.

III. The Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, may, with the Approval of the Master General of Her Majesty's Ordnance, and of the Commissioners for the Conservancy of the River *Mersey*, appoint suitable Places in such River for the mooring of Vessels to be used for the Reception and Storage of Gunpowder by the Lessees of the said Magazines or Storehouses, their Executors, Administrators, or Assigns, or any of them, Notice of which Appointment shall be inserted in the *London Gazette;* and the said Lord High Admiral or the first-mentioned Commissioners may from Time to Time, upon the Application of any other Persons desirous of mooring Vessels in the said River for the like Purposes, and with such Approval as aforesaid, appoint any other suitable Places in the said River for the mooring of such Vessels; and, subject to the Regulations and Directions to be made and given under this Act, Vessels suitable for the Reception and Storage of Gunpowder may be moored, provided, and kept in the Places for the Time being appointed as aforesaid, and may be used as Magazines for Gunpowder; and, subject to such Regulations and Directions, such Vessels shall be exempted from the Operation of the recited Act, in like Manner in all respects as the Magazines or Storehouses near *Liverpool* therein mentioned were thereby so exempted.

Ordnance to appoint Officer to superintend Stores, with Authority to enforce Regulations.

IV. That an Officer shall be appointed by the Master General of the Ordnance to superintend the said Stores; and that the said Officer so appointed shall have Authority to enforce such Regulations as shall be deemed necessary by the Board of Ordnance in the Management of such Stores, and shall be required to enforce the same; and that such Officer shall be required to report from Time to Time to the Board of Ordnance all Cases of Neglect of such Regulations on the Part of Persons engaged in the Gunpowder Trade in the River *Mersey*, or in the Management of such Stores.

V. Pro-

Power to discontinue Places appointed, and to appoint others.

V. Provided always, That if it be represented to the said Lord High Admiral or first-mentioned Commissioners that any Place in the said River for the Time being appointed under this Act for the mooring of such Vessels as aforesaid is or has become unsafe or unsuitable for such Purpose, it shall be lawful for him or them to cause Inquiry to be made thereon, and, if he or they think fit, to order that such Place shall, after such Time as he or they may limit in this Behalf, cease to be a Place for mooring Vessels to be used as Magazines for Gunpowder under this Act; and Notice of such Order shall be given by delivering or leaving a Copy thereof, signed by the Secretary for the Time being of the Admiralty, on board every such Vessel moored in such Place as aforesaid, or shall be published in the *London Gazette;* and it shall be lawful for the said Lord High Admiral or first-mentioned Commissioners thereupon, with such Approval as aforesaid, from Time to Time to appoint any other Place in the said River for the mooring of Vessels to be used for the Reception and Storage of Gunpowder in lieu of any Place discontinued under this Provision.

Master General of the Ordnance may make Regulations concerning Vessels moored in the River Mersey.

VI. It shall be lawful for the Master General of Her Majesty's Ordnance from Time to Time to make and give all such Regulations and Directions in relation to the Construction of the Vessels to be moored at the Places appointed under this Act, and the Mode of storing Gunpowder therein, and for limiting the Quantities of Gunpowder to be kept therein, and in relation to the Care and Management of such Vessels, and for the safe keeping of such Gunpowder, and in relation to the receiving and delivering of Gunpowder into and from the said Vessels, as to such Master General may seem proper; and the Officers of the Board of Ordnance shall have Power at all Times to enter the said Vessels and every Part thereof, and to examine any Person found therein touching the Observance of the said Regulations and Directions; and such Regulations and Directions shall be published in the *London Gazette*, and shall take effect at such Time as shall be therein expressed in that Behalf, or if a Time be not so expressed, then at the Expiration of Seven Days after such Publication thereof; and if any Owner, Lessee, or Occupier of any such Vessel, or any Person having the Care or Control of any such Vessel, wilfully fail in the due Performance or Observance of such Regulations and Directions, or if any Person use for the Reception or Storage of Gunpowder any Vessel in the said River, not being a Vessel moored in a Place appointed (and for the Time being continuing to be a Place) for mooring Vessels for that Purpose, he shall be guilty of a Misdemeanor.

Penalty on Persons failing to observe such Regulations.

VI. And

VII. And whereas the existing Leases of the said Magazines or Storehouses at *Liscard* are for long Terms of Years at nominal Rents, and were obtained for valuable Consideration paid or given to the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* (in this Act called the Corporation) for the granting thereof, and with the Intention, on the Part of the Corporation and the Lessees respectively, that such Magazines or Storehouses should be used for the Storage or keeping of Gunpowder: And whereas the Corporation are willing to pay to the Lessees the Sum of Nine thousand seven hundred and eighty Pounds on condition that the Term and Interest whatsoever of the Lessees in the said Magazines or Storehouses, with the Appurtenances, shall thereupon cease; and the Lessees are willing to accept that Sum in full of all their Claims and Demands whatsoever with respect to the said Magazines or Storehouses upon the Corporation and the Inhabitants of *Liverpool:* Be it therefore enacted, That the Corporation shall on Demand pay to the Lessees the clear Sum of Nine thousand seven hundred and eighty Pounds, and immediately on such Payment being made all the Term, Right, and Interest whatsoever both at Law and in Equity of the Lessees and every of them under or by virtue of the several now existing Leases of the said Magazines or Storehouses, or any of them, or any Part thereof respectively, shall absolutely cease and determine, and the Payment by the Corporation to the Lessees of that Sum shall be full Satisfaction of all the Claims and Demands whatsoever of the Lessees and every of them under or by virtue of those Leases respectively, and by reason of the Operation of this Act upon or against the Corporation and the Inhabitants of *Liverpool* respectively.

Power to Corporation to pay 9,780*l.* to the Lessees of Storehouses, and thereupon the Interest of the Lessees to cease.

VIII. The said Sum of Nine thousand seven hundred and eighty Pounds shall be paid by the Corporation out of the Borough Fund of the Borough of *Liverpool*, or by or out of any Money which the Corporation shall duly raise by Bond or Mortgage on the Credit of the Borough Fund.

The Sum of 9,780*l.* to be paid out of Borough Fund of Liverpool.

IX. The Word "Lessees" in this Act shall mean the several Persons named as the respective Lessees in the several Leases of the said Magazines and Storehouses at *Liscard* or any Part thereof respectively which have been granted by the Corporation since the Year One thousand eight hundred and forty-one, and the Survivors and Survivor of them respectively, and the Executors and Administrators of such respective Survivors.

Meaning of "Lessees."

X. The Demand on the Corporation for the Payment to the Lessees of the said Sum of Nine thousand seven hundred and eighty Pounds

Power to Three or more Lessees to demand Payment.

Pounds may be made by any Three or more of the Lessees on behalf of themselves and all the other Lessees, and shall be made by Writing delivered to or at the Office of the Town Clerk of the Borough of *Liverpool.*

Payment by Corporation to Three or more of the Lessees to be sufficient.

XI. The said Sum of Nine thousand seven hundred and eighty Pounds may be paid by the Corporation to such Three or more of the Lessees for and on behalf of themselves and all the other Lessees as the Corporation think fit, and such Three or more of the Lessees may receive the same, and their Receipts for the same shall be effectual Discharges for the same, and the said Sum of Nine thousand seven hundred and eighty Pounds, when so received, shall be apportioned by them among themselves and the other Lessees, according to their respective Interests, but the Corporation shall not be bound to see to the Apportionment or to the Application of the said Sum of Nine thousand seven hundred and eighty Pounds, or any Part thereof, or be liable for the Nonapplication or Misapplication thereof: Provided always, that in making such Apportionment each of the Sixteen Compartments into which the said Magazines or Storehouses are divided shall with the Appurtenances be deemed of the Value of Six hundred and eleven Pounds Five Shillings.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

under the Provisions of the aforesaid Act of the Eleventh Year of Her Majesty, shall, from the Time of the Publication herein-after directed to be made in the *Dublin Gazette*, be "the Commissioners for administering the Laws for Relief of the Poor in *Ireland*," within the Meaning of the aforesaid Act, pursuant to, and with the Powers and Authorities given by, the said Act, and the several Acts for the more effectual Relief of the destitute Poor, and also for executing this Act, and such Two Persons so appointed under this Act shall hold Office during the Pleasure of Her said Majesty; and immediately on the Publication aforesaid the Office of Assistant Commissioner created by the said first-mentioned Act shall cease and determine; and in the Absence of the Chief Commissioner for the Time being in the said Act mentioned the Powers, Duties, and Functions of the said Chief Commissioner under the said Act shall be exercised by such One of the other Commissioners as shall be appointed so to act by a Majority of the Commissioners, with the Approval of the Lord Lieutenant of *Ireland*.

Appointment of Commissioners to be published in Gazette.

II. Notice of the Appointment of such Two Persons by Her Majesty shall be published in the *Dublin Gazette*, and on the Day after the Publication of the first Appointment of such Persons all the Powers and Authorities given by this Act to the said Commissioners for administering the Laws for Relief of the Poor in *Ireland* shall take effect, and shall be exercised by them, in like Manner as the Powers and Authorities given to the Commissioners appointed under the said Act of the Eleventh Year of Her present Majesty: Provided always, that any Order for the Formation or Alteration of any Dispensary District or Districts under this Act, as herein-after mentioned, or for framing or establishing any General Rules or Regulations relating thereto, or altering or revoking the same, shall be signed by not less than Two of the said Commissioners.

Powers given by this Act how to be exercised.

Appointment of Inspectors.

III. The said Commissioners may from Time to Time appoint so many fit Persons as the Commissioners of Her Majesty's Treasury shall sanction, being practising Physicians or Surgeons of not less than Seven Years standing, to be Inspectors to assist in carrying out the Provisions of this Act, and may remove all or any of the said Inspectors, and appoint others in their Place.

Salaries of Commissioners and Inspectors to be paid from any Funds provided by Parliament for such Purpose.

IV. There shall be paid to the said Two Commissioners to be appointed under the Provisions of this Act, and also to the said Inspectors, such Salaries as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose.

V. Neither

V. Neither the Medical Commissioner nor any such Inspector as aforesaid shall, while he continues in such respective Office, practise as a Physician or Surgeon, or in any other professional Capacity.

No Medical Commissioner or Inspector to practise as Physician or Surgeon.

VI. The Guardians of each Union in *Ireland* shall, when so required by the said Commissioners for administering the Laws for Relief of the Poor in *Ireland*, with all reasonable Despatch, divide such Union into so many Dispensary Districts, having regard to the Extent and Population of such Districts, as may to them appear necessary; and in case the said Commissioners shall approve of the Districts so formed by the said Guardians, they shall issue an Order under their Seal declaring the same; and in case they shall not approve of the Districts so formed by the said Guardians, the said Commissioners may and they are hereby empowered to issue an Order under their Seal declaring the Districts which to them may appear necessary; and it shall be lawful for the said Commissioners, and they are hereby empowered, when they may see Occasion, from Time to Time to require the Guardians to alter such Districts, subject to the Approval by Order under Seal of the said Commissioners, and in case of their Disapproval, or of the Neglect of the Guardians to make such Alteration when required, the said Commissioners may alter such Districts by such an Order; provided always, that in no Case shall an Electoral Division formed under the Acts for the more effectual Relief of the destitute Poor be divided; and from and after a Day or Days to be named in any such Order the Cost of all Medical Relief afforded within any such Dispensary District to which such Order shall relate, together with all the Salaries and Charges incidental to the same, shall be charged on the Poor Rates of the Electoral Division or Divisions comprised therein, according to the net annual Value of each such Division under the Poor Law Valuation in force for the Time being; and the said Commissioners shall declare in such Order the Number and Qualifications of the Officers to be appointed for the Service of each such Dispensary District, and shall likewise declare in the said Order the Number of Persons who shall be Members of the Committee of Management of such Districts, as herein-after is provided.

Power to Guardians to divide Unions into Dispensary Districts.

VII. Within One Month after the Receipt of the said Order the Guardians of the Union shall elect, if necessary, a sufficient Number of Ratepayers resident in each District, and liable to pay Poor Rates in respect of Property therein of the net annual Value of Thirty Pounds at the least, who, together with the *ex-officio* and elected Guardians of the Poor resident or being the Owners or Occupiers of Property therein, shall be a Committee for the Manage ment

Appointment of Dispensary Committee.

ment of the Dispensary of such District, so that the Number of the Members of the said Committee shall amount to the Number named in the Order of the said Commissioners, and shall from Time to Time fill up any Vacancies occurring after any General Election of such Committee; and the Committee so appointed shall hold Office until the Appointment of a new Committee after the next annual Election of Guardians in the said Union; and at the first Meeting of the Guardians after such annual Election, or as soon thereafter as conveniently may be, the Committee of Management for the said Dispensary District shall be appointed in like Manner for the ensuing Year, and so likewise in each succeeding Year.

Guardians to provide Offices for Meetings, &c., and also Medicines, &c.

Committee of Management, with Approval of Commissioners, may appoint Officers, and with such Salaries as the Guardians, with the like Approval, may determine.

VIII. The Guardians of the Union shall, as soon after Receipt of the said Order as conveniently may be, provide a House, Building, Room or Rooms, to be used as a Dispensary or Office for the Medical Officer of each such District, and for the Meetings of the Committee of Management, and shall provide such Medicines and Medical Appliances as may be necessary for the Medical Relief of the Poor in the said District, and the Committee of Management shall appoint, from Time to Time, subject to the Approval of the said Commissioners, One or more Medical Officers for the said District, with such Qualifications as the said Commissioners shall determine, and with such Salaries as the Guardians, subject to the Approval of the said Commissioners, shall determine; and the said Commissioners may, and they are hereby empowered when they may see Occasion, from Time to Time to regulate the Amount of Salaries or Allowances payable to such Officers respectively, and the Time and Mode of Payment thereof; and it shall be lawful for the said Commissioners to remove any such Medical Officer on sufficient Grounds, and to direct the said Committee of Management to appoint another Medical Officer in his Stead; and, on Failure of the said Committee to appoint a Medical Officer of such Dispensary District for One Month after the Receipt of the Direction of the said Commissioners, it shall be lawful for the said Commissioners to appoint such Medical Officer by an Order under their Seal.

Power to afford Dispensary Relief.

IX. Every Member of such Dispensary Committee, and every Relieving Officer and Warden acting for an Electoral Division included in such Dispensary District, shall have Power to afford Medical Relief by the Issue of a Ticket for Medicine and Advice, or a Ticket, in such Form as the said Commissioners shall prescribe, addressed to the Medical Officer of the District, directing him to afford Medicine and Advice to or attend any poor Person resident therein; and it shall be the Duty of the Medical Officer to afford Medicine and Advice, or to attend such poor Person, as thereby directed;

directed: Provided always, that if any Person who shall obtain a Ticket for Medical Attendance from any Relieving Officer or Warden, or from any Member of the Committee, shall, at the next or any subsequent Meeting of the Committee after the Issue of the Ticket, be declared by a Majority of the Members then present not to be a fit Object for Dispensary Relief, the Ticket shall be cancelled, and the Holder thereof disentitled to further Relief.

Other Provision made for Dispensary Relief to cease after Day named in Order of Commissioners.

X. From and after the Day to be named as aforesaid in the Order of the said Commissioners declaring any Dispensary District, all Provision now made by Law for affording Dispensary Relief from Poor Rate, or by means of Presentment from the County Cess, shall, except for the Purpose of defraying Expenses incurred before such Date, cease as to the Baronies or Portions of Baronies or Places included in such Dispensary Districts, and all Funds and Property derived or arising for the Support of such Institutions from Bequests shall be applied to the Support thereof according to the Trusts on which such Bequests were granted: Provided always, that where, under the Provisions of an Act of the Parliament of *Ireland* passed in the Fifth Year of His late Majesty King *George* the Third, intituled *An Act for erecting and establishing public Infirmaries and Hospitals in this Kingdom*, any Allowance or Stipend is now payable to any Officer of a County Infirmary or other Medical Institution, such respective Allowance or Stipend shall wholly cease to be payable to or to the Use of such Infirmary or Medical Institution under the Provisions of the said Act, when and as soon as the Person holding such Office at the Time of the passing of this Act shall wholly cease to hold the said Office in the said Infirmary or Medical Institution: Provided also, that nothing herein contained shall be construed to deprive of the Benefit of Aid from any Parliamentary Grant any Infirmary or Hospital in the City or County of *Dublin* now receiving such Aid, so long as such Aid shall continue to be granted by Parliament.

Proviso as to County Infirmaries, &c. under 5 G. 3. c. 20. (I.)

Members of Committee of Dispensary not to be concerned in supplying Articles for Use in Dispensary, under Penalty of 50*l.* and Costs.

XI. No Guardian or Member of the Committee of Management, paid Officer, or other Person concerned in the providing, ordering, Management, Control, or Direction of the Medical Relief of the Poor in any Dispensary District, shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply for his own Profit any Medicines, Instruments, Furniture, or Goods for the Use of any Dispensary in any District for which he shall act in any such Capacity as aforesaid, during the Time for which he shall retain such Office, nor shall during such Time be interested, directly or indirectly, in any Contract relating thereto, under Pain of forfeiting the Sum of

Fifty Pounds, with the full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

Regulations as to Management of Dispensaries.

XII. The said Commissioners shall and may, and they are hereby directed, with all reasonable Despatch after the first Appointment of Commissioners under the Provisions of this Act, to frame General Rules and Regulations for the Government of each Dispensary District, and for the Guidance and Control of the Guardians, the Committees of Management, and the several Officers to be appointed in connexion therewith respectively, and shall be empowered to alter or revoke such Rules and Regulations, and make such new Rules and Regulations, from Time to Time, as they may think fit.

Regulations as to Vaccination.

XIII. The Medical Officer of every Dispensary District constituted under this Act shall and he is hereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Commissioners in that Behalf, and which Regulations the said Commissioners are hereby required to make and issue; and that from and after the Declaration of any such Dispensary District it shall not be obligatory on the Board of Guardians of the Poor Law Union containing such District or any Part thereof to make a Contract with a Medical Practitioner for the Vaccination of Persons resident in such District, under the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to extend the Practice of Vaccination;* and after the Appointment of a Medical Officer for such Dispensary District all existing Contracts theretofore made with the Guardians under the Authority of the last-mentioned Act shall cease and determine, Payment being made to such Medical Practitioner of such proportional Sum for past Services as may then be due to him.

3 & 4 Vict. c. 29.

As to existing Medical Officers of Dispensaries.

XIV. When, on the Formation of any District under the Provisions of this Act, a Medical Practitioner shall be in possession of a Medical Office connected with any Dispensary subject to the Authority of the said Commissioners, and situate in the Locality included in such District, it shall be lawful for the Commissioners, if they shall think fit, to declare him to be, in the first instance, the Medical Officer or One of the Medical Officers of such new District; and so likewise when Two or more Medical Practitioners shall be circumstanced as aforesaid, in case the like Number of Medical Officers is required in such new District, it shall be lawful for the said Commissioners, if they shall think fit, to declare such

such Persons to be the Medical Officers of such new District; but in case a smaller Number of such Officers shall be required for such District, then it shall be lawful for the said Commissioners, if they shall see fit, to nominate such Persons, or any of them, as the Persons from whom a Selection shall be made for a Medical Officer or Officers under the Provisions of this Act, by the Parties entitled to appoint to such Office; and it shall not be necessary for the said Commissioners, unless they think fit, to reject any such Medical Practitioner so in possession of any such Office before the Formation of such District, by reason of the Want of such Qualifications as may be required by them in other Cases.

Salaried Medical Officers of Districts to attend at Examination of dangerous Lunatics, and to give Attendance at Bridewells within their Districts.

XV. It shall be the Duty of any salaried Medical Officer of a Dispensary District under this Act, or (if more than One) then the nearest of such Medical Officers, save in the Case of his Sickness or necessary Absence, and then the other nearest of such Medical Officers, without any further Fee or Reward, to examine and certify under the Statute in that Behalf as to the Case of any dangerous Lunatic brought before a Justice of the Peace, within his respective District, when summoned by such Justice so to do, and also to give his Medical Attendance and Care, so far as shall be necessary, to the Prisoners or Inmates in any Bridewell or House of Correction situate within such respective District, and to supply to such Prisoners and Inmates the necessary Medicines, the Account of which Medicines shall be submitted to the next Meeting of the Committee of such respective District, who shall make Provision for the Payment thereof; and it shall be lawful for the said Commissioners, if they shall think fit, to take into account the probable Extent of such extraordinary Duties with respect to any such Bridewell or House of Correction, in fixing the Amount of the Salaries of the Medical Officers of such Districts.

Power of Commissioners and Inspectors to inquire on Oath, or require a Declaration.

XVI. The Commissioners or any One of them, and also any such Inspector acting in execution of this Act, by Summons under the Seal of the Commissioners, or under the separate Hand and Seal of any Commissioner or Inspector respectively, as the Case may be, may require the Attendance of all such Persons as they or he shall think fit to call before them or any of them respectively upon any Matter connected with the Execution of this Act, relating to any Dispensary subject under this Act to the Authority of the said Commissioners, at such Time and Place as shall be set forth in the Summons, and may make Inquiry and require Returns, and may administer Oaths, and examine all such Persons upon Oath, and may require and enforce the Production upon Oath of Books,

Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, and Writings, and Copies thereof respectively, in anywise relating to any such Matter as aforesaid; or when the Commissioners, or any One of the Commissioners, or any Inspector, shall think fit, instead of requiring such Oath as aforesaid, they or he may require any such Person to make and subscribe a Declaration of the Truth of the Matter respecting which he shall have been or shall be so examined: Provided always, that no Person shall be required, in obedience to any such Summons of any of the said Commissioners, to go more than Thirty Statute Miles from the Place of his Abode, or, in obedience to any such Summons of an Inspector, to go more than Five Miles from the Place of his Abode: Provided also, that nothing herein contained shall empower the Commissioners or any Commissioner or Inspector to require the Production of the Title, or of any Papers or Deeds relating to the Title, of any Lands, Tenements, or Hereditaments, not being Property under the Authority of or vested in the said Commissioners by this Act: Provided also, that nothing herein contained shall authorize the said Commissioners or any of them, or any such Inspector, to exercise such Powers of Summons, Inquiry, Examination, or other such last-mentioned Powers as aforesaid, in the Case of any Hospital, Infirmary, or Medical Institution supported by private Endowments, Bequests, Property, or Subscriptions.

Provisions as to the summoning of Witnesses, &c. by Commissioners and Inspectors.

Penalty for giving false Evidence.

Penalty for refusing to attend to Summonses or to give Evidence.

XVII. Every Person who upon any such Examination as aforesaid under the Authority of this Act shall wilfully give false Evidence, or wilfully make or subscribe a false Declaration, shall be deemed guilty of a Misdemeanor; and every Person who shall refuse or wilfully neglect to attend in obedience to any such Summons as aforesaid of the Commissioners, or any One of the Commissioners, or any Inspector, or to give Evidence as aforesaid, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, or Writings, or Copies of the same, which may be required as aforesaid to be produced for the Purposes of this Act, to any Person authorized by this Act to require the Production thereof, shall be liable to forfeit a Sum not exceeding Five Pounds, to be recovered before any Justice or Justices at Petty Sessions under his or their Warrant, by Distress and Sale of the Goods of the Party so offending, returning to such Party the Overplus.

Inspectors to visit Dispensaries and attend Meetings of Guardians, &c.

XVIII. Every Inspector acting in execution of this Act shall be entitled to enter at all Times into and to inspect every Dispensary or Building used for the Purposes of this Act, and to attend the Meetings of every Board of Guardians or Dispensary Committee,

on

on all Business arising in the Execution of this Act, and to take part in the Proceedings, but not to vote at such Meeting; and the said Commissioners, or an Inspector by their Order in Writing, shall be empowered (when they shall deem it expedient) to enter, inspect, and report upon any Infirmary, Hospital, or Medical Institution supported in the whole or in part by any public Funds, Rates, or Assessments.

Commissioners and Inspectors to inspect and report upon Hospitals, &c. supported by public Funds, Rates, &c

XIX. The said Commissioners shall be the Commissioners for executing in *Ireland* the Powers and Purposes of "The Nuisances Removal and Diseases Prevention Act, 1848," and an Act of the following Session of Parliament amending the same; and all Committees, Inspectors, Medical Officers, and other Persons appointed or employed under the Powers of this Act shall and they are hereby required, within their respective Districts, to aid the Guardians of the Poor, and such Officers or Persons as they shall appoint or employ, in the Superintendence and Execution of any Directions and Regulations which may at any Time be issued by the said Commissioners for the Time being under the Authority and by virtue of the said Nuisances Removal and Diseases Prevention Act and the said Act, amending the same, or under or by virtue of the Provisions hereof in relation thereto; and all Expenses which shall be incurred on account or in execution of the said last-mentioned Act or Acts, and chargeable upon the Poor Rates, shall hereafter be charged on the Poor Rates of the respective Electoral Division situate within such District, in like Manner, and be ascertained, paid, and audited, in all respects as directed for the Expenditure under the Provisions and for the Purposes of this Act.

Commissioners to execute in Ireland the Nuisances Removal and Diseases Prevention Act, 1848, (11 & 12 Vict. c. 123.) and the amending Act (12 & 13 Vict. c. 111.)

XX. The said Commissioners shall once at least in every Year submit to the Lord Lieutenant a General Report of their Proceedings under the Provisions of this Act, including the total Expenses incurred in *Ireland* and in each Union in carrying this Act into execution in each Year, together with a List of all Districts and Dispensaries under this Act, and the total annual Expense of each; and every such General Report shall be laid before both Houses of Parliament on or before the Thirty-first Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, within Six Weeks after the next Meeting of Parliament.

Annual Reports to be made to Lord Lieutenant, and laid before Parliament.

XXI. In the Interpretation of this Act the Words "Lord Lieutenant" shall extend to and include the Chief Governor or Governors of *Ireland* for the Time being, and the Word "Medical" shall be construed to extend to and include the Word "Surgical," unless there be something in the Subject repugnant to such Construction.

Interpretation of Terms.

Commencement of Act.

XXII. This Act shall commence and take effect from and after the First Day of *October* One thousand eight hundred and fifty-one.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.
7

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Recited Act continued till 1st Sept. 1852.

said first-recited Act shall continue and be in force until the First Day of *September* One thousand eight hundred and fifty-two, and if Parliament be then sitting, then further until the End of the then Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Act to apply to Railways in Ireland authorized in this Session, &c. and to those heretofore authorized, except 13 & 14 Vict. c. xxix. 13 & 14 Vict. c. xlv. 13 & 14 Vict. c. lxxvi. 13 & 14 Vict. c. lxxxviii. 14 & 15 Vict. c. cx. 14 & 15 Vict. c. ciii.

II. This Act shall apply to every Railway in *Ireland* authorized to be made by any Act passed in this Session of Parliament, or which shall hereafter be passed, and which shall authorize the Purchase or taking of Lands for such Railway, and also to every Railway or Portion of a Railway in *Ireland* by any Act heretofore passed authorized to be made in relation to which the compulsory Powers for taking Lands are still in force, and this Act shall be incorporated with and form Part of the Acts authorizing the said Undertakings: Provided always, that this Act shall not apply to the Railways authorized to be made by "The *Waterford and Limerick* Railway Amendment Act, 1850," "The *Dublin and Drogheda* Railway Act, 1850," "The *Dundalk and Enniskillen* Railway Act, 1850," and "The *Midland Great Western* Railway of *Ireland* (Deviation and Amendment) Act, 1850," "The *Waterford and Limerick* Railway Deviation Act, 1851," and "The *Killarney Junction* Railway Act, 1851," "The *Longford* Line and *Liffy* Branch, 13 & 14 *Vict.*" or to which the Provisions of such Acts respectively are applicable, and shall not in anywise interfere with or affect the Provisions of such Acts.

Certain Provisions of 8 & 9 Vict. c. 18. not to apply to this Act.

III. The Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, except Sections Sixteen and Seventeen of the said Act, shall not be applicable or in force with respect to any Railway or Portion of a Railway in *Ireland* to which this Act applies.

Company to deliver Maps, Schedules, and Estimates at the Office of Commissioners of Public Works, and deposit Copies with Clerks of the Peace and Clerks of Unions.

IV. When and so often as any Company authorized to make a Railway to which this Act applies shall require to purchase or take any Lands which they are by the Special Act authorized to purchase or take, the Company shall cause to be made out, and to be signed by their Engineer and Secretary, Maps or Plans and Schedules of the Lands so required (and for the Purchase of which Lands, or of all the several Interests in which Lands, the Company shall not have contracted), and also of the Works which the Company propose to make and maintain for the Accommodation of Lands adjoining the Railway (and for Compensation in lieu of which the Company shall not have contracted), together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the gross annual Value and the Value in Fee of such Lands so required to be purchased or taken as aforesaid, and for the Purchase of which, or of all the several Interests in which, the Company shall not have contracted, and the separate and distinct Value of each such Interest which the Company shall not have contracted to purchase, so far as the same can be reasonably ascertained (taking into consideration Damage by Severance, and any other Matters by the Lands Clauses Consolidation Act, 1845, required

required to be considered, if necessary); and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building, and Ground cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans of the Railway, and shall have put thereon a distinct Valuation to each Number, and all Bridges, Roads, and other Works proposed to be made for the Use and Accommodation of the Owners, Lessees, and Occupiers of the Lands adjoining the Railway shall also be marked on the said Maps or Plans; and the Company shall deposit such Maps or Plans, Schedules and Estimates, at the Office of the Commissioners of Public Works in *Ireland*, and a Copy of such Maps or Plans, Schedules and Estimates, or so much thereof as relates to every County in or through which the Railway is proposed to be made, with the Clerk of the Peace of each such County, and a Copy of so much of the said Maps or Plans, Schedules and Estimates, as relates to each Electoral Division in which any such Lands shall be situate, with the Clerk of the Poor Law Union in which every such Electoral Division is situate.

Commissioners of Public Works to appoint an Arbitrator, on Application of Company.

V. After such Deposit at the Office of the said Commissioners as aforesaid, it shall be lawful for the said Commissioners, upon the Application of the Company, to appoint an Arbitrator between the Company and the Persons interested in the Lands to which such Maps or Plans, Schedules and Estimates relate, and such Arbitrator shall, in relation to the Lands required and the Works to be made and maintained by the Company, as herein mentioned, be the Arbitrator under this Act; and if any such Arbitrator die, or refuse, decline, or become incapable to act, the said Commissioners may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Arbitrator may call for Documents, and administer Oaths.

VI. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Company, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Company, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe Declaration.

VII. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and

'determine

'determine the Matters referred to me under the Provisions of the 'Act [*naming this Act*].

A.B.

'Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited with Commissioners of Public Works to be delivered to Arbitrator. Notice of Appointment of Arbitrator, &c. to be published.

VIII. Upon the First Appointment of an Arbitrator as aforesaid, the said Commissioners shall deliver to such Arbitrator the Maps or Plans, Schedules and Estimates, deposited at their Office as herein-before required; and the Company shall forthwith after such Appointment publish Notice of such Appointment, and of such Deposits as herein-before directed with such Clerk of the Peace and Clerks of Poor Law Unions as aforesaid, once in the *Dublin Gazette*, and once in each of Three successive Weeks in some One and the same Newspaper circulated in the County in which the Lands are situate, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for the Purposes of the Railway, and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Execution of the Works of the Company, or to have any Works made by the Company for the Accommodation of Lands adjoining the Railway, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbitration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Company shall publish Notice of such Appointment in the *Dublin Gazette*.

Arbitrator to adjudicate upon Compensation to be paid for Lands and upon Accommodation Works.

IX. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire into and adjudicate upon the Value of the Lands required for the Purposes of the Railway, and specified in such Maps or Plans, and the several Interests in such Lands, in respect of which no Agreement shall have been come to between the Company and the Persons entitled thereto, and the Purchase Money to be paid for such Lands, and the Compensation to be paid for Injury to any Lands injuriously affected by the Execution of the Works of the Company, and to inquire and determine what Works should

should be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Company in respect of the several Interests in the Lands so required and specified or injuriously affected, and the Works to be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and where any Inquiry relates not only to the Value of the Lands to be purchased, but also to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of such Lands, or of any Interest therein to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Company; and such Draft Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Arbitrator shall cause Notice of such Award to be given to all Persons entitled to Payment or Compensation under the same, or who shall have been heard before such Arbitrator as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules and Estimates, or so much thereof as aforesaid, of the Deposit of Copies of such Draft Award, or of so much thereof as aforesaid, and shall in such Notices appoint a Time and Place, or Times and Places, for holding a Meeting or Meetings to hear Objections against such Draft Award (the first such Meeting to be not earlier than Twenty-one Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Lands or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as

he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions, shall be deposited as herein-before directed with respect to the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Company shall thereupon publish Notice, as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules and Estimates, or of so much thereof as aforesaid, of the Deposit of Copies of such Award, or of so much thereof as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Company, on or before a Day to be named in such Notice (such Day not being earlier than Thirty-one Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded; and such Statement and Abstract shall be paid for by the Company.

Separate Awards may be made as to Lands in the several Parishes or otherwise.

X. Provided always, That the Arbitrator may make several Awards, so as to include in a separate Award the Lands in each Electoral Division, or such Portion of the Lands in relation to which he is Arbitrator as, having reference to the Deposits to be made under this Act, the Meetings to be holden, and the Inquiries to be made in relation to such Lands, and the Convenience of the Parties interested in the Matter of the Arbitration, he may think fit.

Clerks of the Peace and Clerks of Unions required to take charge of Documents deposited, as provided by 7 W. 4. & 1 Vict. c. 83.

XI. Every Clerk of the Peace and Clerk of any Union is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Company.

XII. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, and all Costs, Charges, and Expenses (if any,) which shall be incurred by the said Commissioners of Public Works in carrying the Provisions of this Act into execution, shall be paid by the Company; and the Amount of such Costs, Charges, and Expenses shall

shall from Time to Time be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses by or on behalf of the Company; and it shall be lawful for the said Commissioners from Time to Time to require the Company to deposit in the Bank of *Ireland*, to the Credit of the said Commissioners, any Sum or Sums of Money, or to give such other Security for the Payment of any such Costs, Charges, and Expenses as to the said Commissioners shall seem fit; and every Certificate of the said Commissioners, certifying the Amount of such Costs, Charges, and Expenses, shall be taken as Proof in all Proceedings at Law or in Equity of the Amount of such respective Costs, Charges, and Expenses, and the Amount so certified shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly.

Costs of Parties.

XIII. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Company; and if within Seven Days after Demand the Amount so certified be not paid to the Party entitled to receive the same, such Amount shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; but no such Certificate shall be given where the Arbitrator has awarded the same or a less Sum than has been offered by the Company in respect of such Claim before the Commencement of the Arbitration.

Certificates of Amount of Compensation to be delivered by Company.

XIV. Within Thirty Days from the Delivery of such Statement and Abstract as aforesaid to the Company, the Company shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Company's Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands, or the Interests therein, may be included in One Certificate, if the Company think fit, such Certificates to be prepared by and at the Costs of the Company; and where any Agreement has been entered into in respect to the Value of the Interest of any Person in any Lands, or his Right to Compensation, the Company may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.

XV. The

Amount mentioned in Certificates to be paid to Parties, on Demand, &c.

XV. The Company shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose Favour such Certificate is given, his or her Executors, Administrators, or Assigns; and if the Company wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Company in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if he had been, by Warrant of Attorney from the Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Company entering on any such Lands as aforesaid.

When Amount mentioned in Certificates is paid to Parties, Company may take possession.

XVI. When and so soon as the Company have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise, as herein provided, in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Administrators, or Assigns, it shall be lawful for the Company, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable.

Receipts duly stamped to operate as a Conveyance.

XVII. In every Case in which any Monies are paid by any Company under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Company a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Company.

Payment of Monies where Parties making

XVIII. If it appear to the Company, from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, or Interest

Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, or Interest be not satisfactorily deduced to the Company, then and in every such Case the Amount to be paid by the Company in respect of such Lands, Estate, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," "with respect to the Purchase Money or Compensation coming to "Parties having limited Interests, or prevented from treating, or not "making Title."

Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XIX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Company have taken possession of any Lands under the Provisions of this Act in respect of the Price or Compensation whereof, or of any Estate or Interest wherein, no Claim has been made within One Year from the Time of the Company taking possession, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Company in respect of such Lands, Estate, or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

Where no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank.

XX. Nothing herein contained shall prevent the Company from requiring any further Abstract or Evidence of Title respecting any Lands included in any such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the Company.

Nothing to prevent Company requiring further Evidence of Title, at their Costs.

XXI. If from any Reason whatever the Company shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Interest in any Lands the Possession whereof has been taken by the Company as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Company, be enforced by any Party or Parties, by Application to the High Court of Chancery in *Ireland* in a summary Way by Petition, and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the Company by such Application as aforesaid.

Delivery of Certificate may be enforced by Court of Chancery.

After Deposit of Draft Award Company may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

XXII. Provided always, That where the Company are desirous, for the Purposes of their Works, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Company, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of *Ireland*, as herein directed, such Sum as the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Company, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of the Railway and Works of the Company; and the Arbitrator shall, upon the Request of the Company, at any Time after he shall have framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Company in respect of any Lands mentioned in such Draft Award before they enter upon and use the same as aforesaid, and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Company in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had, and Payments made, as if such Entry and Deposit had not been made; provided that the Company shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the Rate of Five Pounds *per Centum per Annum* upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where under this Provision Interest is payable on any Purchase or Compensation Money the Certificate to be delivered by the Company in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Company to pay Interest from Time of Entry.

Mode of Deposit.

XXIII. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Company (describing the Company by its proper Name), in the Matter of the Railways Act (*Ireland*), 1851, and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such Deposit the Cashier of the said

said Bank shall give to the Company, or to the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

XXIV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands which shall so have been entered upon, for the Payment of the Money to become payable by the Company in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Company, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Company it shall be lawful for the Court of Chancery in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Company, or, in default of such Payment as aforesaid by the Company, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Company may deposit Money by way of Security while the Office of the Accountant General is closed.

XXV. If at any Time the Company be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the Company to pay into the Bank, to such Credit as aforesaid (subject nevertheless to being dealt with as herein provided), such Sum of Money as the Company shall by some Writing signed by their Secretary or Solicitors for the Time being, addressed to the Governor and Company of the Bank in that Behalf, request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the Company shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon Production of such Direction at the Bank of *Ireland* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Parties dissatisfied with Award, may enter a Traverse at Assizes.

XXVI. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any Party claiming under the Party so named) shall be dissatisfied with the

the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into Court, and where any Party interested in Land adjoining any Railway shall be dissatisfied with any Award under this Act so far as respects any Works for the Accommodation of such Lands thereby awarded to be made and maintained by the Company, or which such Party may claim to have so made and maintained, it shall be lawful for such Party, at the Assizes for the County in which the Lands are situate, or, where the Lands are situate in the County of *Dublin* or County of the City of *Dublin*, in the Term next following the giving of such Certificate, or the Payment of such Money into Court, or (if the Claim be only in respect of Accommodation Works) the making of the Award, or where such Assizes are holden or such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then at the next subsequent Assizes, or in the next subsequent Term (as the Case may be), upon giving Ten Days Notice in Writing previously to such Assizes or Term respectively to the Secretary of the Company, of the Amount or the Accommodation Works intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland*: Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Twenty Pounds, and further that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, or the Sufficiency of the Accommodation Works awarded thereby, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands of such Traverser injuriously affected by the Works of the Company, or (as the Case may be) as to what Accommodation Works ought to be made and maintained by the Company for the Accommodation of the Lands of

of the Traverser, or to the like Effect respectively, as the Case may be.

Verdict on Traverse to have Effect of Judgment.

XXVII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in *Ireland* against the Company, and may be enforced by like Remedies against the Company, as in the Case of a Judgment at Law, by all Parties interested therein; and in each Case where a Certificate shall have been delivered, such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Company, be delivered up to the said Company, and such Receipt for such Damages shall be given as is herein-before provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land, the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then if the Amount of such Damages shall be less than the Amount paid into Court, the Company shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court, but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Company, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs payable by the Company in respect of such Traverse, shall be a good Discharge to the Company on any such Verdict in the Nature of a Judgment as aforesaid.

Act to apply to the Purchase of Lands for extraordinary Purposes.

XXVIII. The Provisions of this Act shall extend to the Purchase by the Company of Lands for extraordinary Purposes.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXIX. All the Provisions of "The Lands Clauses Consolidation Act, 1845," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Meaning of "the Company."

XXX. In the Construction of this Act the Words "the Company" shall mean the Company constituted by the Special Act.

Act to extend to Ireland only.

XXXI. This Act shall extend to *Ireland* only.

XXXII. This

Continuance of Act, Five Years.

XXXII. This Act shall continue in force for Five Years next after the passing thereof, and thence to the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

10 & 11 Car. 1. c. 2. So much and such Part only of an Act passed in a Session of the Parliament of Ireland holden in the Tenth and Eleventh Years of the Reign of King Charles the First, Chapter Two, as relate to the Restitution of Impropriation and Tithes, and other Rights Ecclesiastical, to the Clergy, and the Presentation to Churches to which such Rights shall have been restored:

15 Car. 1. c. 11. Also the entire of an Act passed in the Parliament of Ireland in the Fifteenth Year of the Reign of King Charles the First, Chapter Eleven, and entitled "An Act for endowing of Churches with Glebe Lands:"

10 W. 3. c. 6. Also so much and such Part only of an Act passed in the said Parliament of Ireland in the Tenth Year of the Reign of King William the Third, Chapter Six, and entitled "An Act to encourage "building of Houses and making other Improvements on Glebe "Lands, and to prevent Dilapidations," as relate to the building, improving, and purchasing Houses and Conveniences for Ecclesiastical Persons, and Charges in respect thereof, and to Dilapidations, and the Alienation of Glebe Lands:

2 Ann. c. 10 Also the entire of an Act passed in the said Parliament of Ireland in the Second Year of the Reign of Queen Anne, Chapter Ten, and entitled "An Act for the Exchange of Glebe belonging to Churches "in this Kingdom:"

2 G. 1. c. 14. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Second Year of the Reign of King George the First, Chapter Fourteen, and entitled "An Act for the "real Union and Division of Parishes," as relate to the Endowment by Ecclesiastical Persons, of Vicarages and Curacies of Parishes appropriate to their Dignities and Preferments:

6 G. 1. c. 13. Also so much of and such Parts only of an Act passed in the said Parliament of Ireland in the Sixth Year of the Reign of King George the First, Chapter Thirteen, and entitled "An Act for the better "Maintenance of Curates within the Church of Ireland," as relate to the Erection and Repairs of Chapels of Ease in extensive Parishes:

8 G. 1. c. 11. Also the entire of an Act passed in the said Parliament of Ireland in the Eighth Year of the Reign of King George the First, Chapter Eleven, and entitled "An Act for supplying a Defect in an Act "passed in the Second Year of the Reign of Her late Majesty "Queen Anne, entitled 'An Act for the Exchange of Glebes "'belonging to Churches in this Kingdom:'"

8 G. 1. c. 12. Also the entire of an Act passed in the said Parliament of Ireland in the Eighth Year of the Reign of King George the First, Chapter Twelve, and entitled "An Act for the better enabling of the Clergy "having Cure of Souls to reside upon their respective Benefices, and "for

" for the Encouragement of Protestant Schools within this Kingdom " of Ireland," except so far as the same relates to the Encouragement of Protestant Schools in Ireland:

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Tenth Year of the Reign of King George the First, Chapter Six, and entitled " An Act for explaining " and amending an Act entitled ' An Act for real Union and Division " of Parishes,' and for confirming an Exchange made of a Piece of " Ground whereon the Parish Church and Vicarage House of the " Parish of Saint Anne in the Suburbs of the City of Dublin was by " a former Act of Parliament directed to be built for another Piece " of Ground, and for appropriating such other Piece of Ground to " the same Uses," as relate to the Endowment of Vicarages and Curacies the Churches whereof are appropriate: 10 G. 1. c. 6.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Twelfth Year of the Reign of King George the First, Chapter Ten, and entitled " An Act to amend " and explain an Act entitled ' An Act to encourage building of " ' Houses, and making other Improvements on Church Lands, and " ' to prevent Dilapidations,' " as relate to the building and improving of Ecclesiastical Residences, and Charges in respect thereof, and Dilapidations thereon, and the Purchase of additional Demesne and Mensal Lands: 12 G. 1. c. 10.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the First Year of the Reign of King George the Second, Chapter Fifteen, and entitled " An Act for rendering " more effectual an Act entitled ' An Act for the better enabling " ' of the Clergy having Cure of Souls to reside upon their respec- " ' tive Benefices, and for the Encouragement of Protestant Schools " ' within this Kingdom of Ireland,' " as relate to the endowing Churches and Curacies with Glebe Lands, and of reserving Rents thereout, and the building of Residences by Ecclesiastical Persons: 1 G. 2. c. 15.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the First Year of the Reign of King George the Second, Chapter Eighteen, and entitled " An Act to enable Arch- " bishops, Bishops, and other Ecclesiastical Persons and Corporations " to grant their Patronage or Rights of Presentation or Nomination " to small Livings to such Persons as shall augment the same, and " also to enable Archbishops and Bishops and other Ecclesiastical " Persons therein mentioned to make Agreements with their Tenants " for the inclosing and improving their Woods," as relate to the Grant of the Patronage of small Livings to Parties endowing same, and the augmenting of same, and the Erection of Chapels of Ease and 1 G. 2. c. 18.

and Patronage thereof, and the Constitution of such into Perpetual Curacies and Benefices, and Matters connected therewith:

1 G. 2. c. 22. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the First Year of the Reign of King George the First, Chapter Twenty-two, and entitled "An Act for explaining "and amending an Act entitled 'An Act for the better Maintenance "'of Curates within the Church of Ireland,'" as relate to Chapels of Ease erected in Parishes and Cities and Corporate Towns:

3 G. 2. c. 12. Also the entire of an Act passed in the said Parliament of Ireland in the Third Year of the Reign of King George the Second, Chapter Twelve, and entitled "An Act for supplying a Defect in an Act "for rendering more effectual an Act for better enabling the Clergy "having Cure of Souls to reside upon their respective Benefices, and "for the Encouragement of Protestant Schools within this Kingdom "of Ireland:"

9 G. 2. c. 13. Also the entire of an Act passed in the said Parliament of Ireland in the Ninth Year of the Reign of King George the Second, Chapter Thirteen, and entitled "An Act for making more effectual an Act to "amend and explain an Act, entitled 'An Act to encourage building "'of Houses and making other Improvements on Church Lands, "'and to prevent Dilapidations:'"

15 G 2. c. 5. Also the entire of an Act passed in the said Parliament of Ireland in the Fifteenth Year of the Reign of King George the Second, Chapter Five, and entitled "An Act to enable Archbishops and "Bishops to demise Part of their Demesne Lands, and to change "the Site of their Mansion Houses:"

17 G. 2. c. 8. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Seventeenth Year of the Reign of King George the Second, Chapter Eight, and entitled "An Act for con-"tinuing several Statutes now nearly expiring, and for other Pur-"poses therein contained," as relate to the Repairs of Ecclesiastical Residences:

19 G. 2. c. 16. Also the entire of an Act passed in the said Parliament of Ireland in the Nineteenth Year of the Reign of King George the Second, Chapter Sixteen, and entitled "An Act for amending the Laws "relating to Demesne Lands belonging to Archbishops, and in "relation to the building of new Parish Churches:"

31 G. 2. c. 11. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Thirty-first Year of the Reign of King George the Second, Chapter Eleven, and entitled "An Act more "effectually to enable the Clergy having Cure of Souls to reside "upon their respective Benefices, and to build upon their respective "Glebe

"Glebe Lands," as relate to the building of Glebe Houses, and the Grant of Land to Parishes for Glebe Lands, or for the Purpose of being exchanged for other Lands suitable for Glebe:

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Seventh Year of the Reign of King George the Third, Chapter Nine, and entitled "An Act for explaining and amending an Act passed in the Second Year of His Majesty King George the First, entitled 'An Act for the real Union 'and Division of Parishes, and for other Purposes therein mentioned,'" as relate to Building Charges, Improvements, and Dilapidations on Ecclesiastical Residences: 7 G. 3. c. 9.

Also the entire of Two several Acts passed in a Session of the Parliament of Ireland holden in the Eleventh and Twelfth Years of the Reign of King George the Third, Chapter Sixteen, and entitled "An Act for erecting Parochial Chapels of Ease in Parishes of large Extent, and making such Chapels and those that are already erected Perpetual Cures, and for making a proper Provision for the Maintenance of Perpetual Curates to officiate in the same, and also in like Manner for making appropriate Parishes Perpetual Cures," and Chapter Seventeen, entitled "An Act for rendering more effectual the several Laws for the better enabling the Clergy having Cure of Souls to reside upon their Benefices, and to build on their respective Glebe Lands, and to prevent Dilapidations, and for the Encouragement of Protestant Schools within this Kingdom of Ireland," except so far as the same relate to the said Protestant Schools: 11 & 12 G. 3. c. 16. 11 & 12 G. 3. c. 17.

Also the entire of an Act passed in a Session of the said Parliament of Ireland holden in the Thirteenth and Fourteenth Years of the Reign of King George the Third, Chapter Twenty-seven, and entitled "An Act to amend an Act passed in the Eighth Year of His present Majesty, entitled 'An Act for erecting new Chapels of 'Ease in the Parish of Armagh, and making such Chapels and 'those that are already erected in said Parish Perpetual Cures, and 'for making a proper Provision for the Maintenance of Perpetual 'Curates to officiate in the same, and for other Purposes:'" 13 & 14 G. 3. c. 27.

Also the entire of an Act passed in a Session of the said Parliament of Ireland holden in the Fifteenth and Sixteenth Years of the Reign of King George the Third, Chapter Seventeen, and entitled "An Act to explain and amend the several Statutes now in force in this Kingdom relative to the Exchange of Glebe Lands, and the Endowment of Churches with new Glebe, and to remove some Doubts relating to certain Statutes, and for other Purposes," except so far as same relates to the Cathedral Church of Armagh: 15 & 16 G. 3. c. 17.

23 & 24 G. 3. c. 49 And also the entire of an Act passed in a Session of the said Parliament of Ireland holden in the Twenty-third and Twenty-fourth Years of the Reign of King George the Third, Chapter Forty-nine, and entitled "An Act for making appropriate Parishes belonging to "Archbishops and Bishops Perpetual Cures, and the better to enable "such Archbishops and Bishops to endow and augment the Endow-"ments of Vicarages and Curacies to them respectively appropriate, "and to render more effectual the several Acts now in force to enable "the Clergy having the Cure of Souls to reside upon their respective "Benefices, and to build upon their respective Glebe Lands," except so far as the same relates to the Union of appropriate Parishes, Free Schools, and Churchwardens:

25 G. 3. c. 21. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Twenty-fifth Year of the Reign of King George the Third, Chapter Twenty-one, and entitled "An Act to "explain and amend the several Acts made in this Kingdom to "encourage the building of Houses and making other Improvements "on Church Lands, and to prevent Dilapidation," as relate to the Validity of Certificates granted to Ecclesiastical Persons for Buildings and Improvements:

25 G. 3. c. 49. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the said Year of the Reign of King George the Third, Chapter Forty-nine, and entitled "An Act to explain and "amend the several Acts made in this Kingdom to encourage the "building of Houses and making other Improvements on Church "Lands, and for other Purposes," as relate to the Use of Copper in Ecclesiastical Residences:

29 G. 3. c. 27. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Twenty-ninth Year of the Reign of King George the Third, Chapter Twenty-seven, and entitled "An Act "for the better providing for the Repairs of Churches and the "Residence of the Clergy," as relate to Glebe Lands: and

31 G. 3. c. 19. Also the entire of an Act passed in the said Parliament of Ireland in the Thirty-first Year of the Reign of King George the Third, Chapter Nineteen, and entitled "An Act to amend an Act passed "in the Eleventh and Twelfth Years of His present Majesty, entitled 'An Act for rendering more effectual the several Laws for the "'better enabling the Clergy having Cure of Souls to reside upon "'their Benefices, and to prevent Dilapidations, and for the En-"'couragement of Protestant Schools within this Kingdom of Ire-"'land,' and also to amend an Act passed in the Thirteenth and "Fourteenth Years of His present Majesty, entitled 'An Act to "'amend an Act passed in the Eighth Year of His present Majesty,

"'entitled

" ' entitled ' An Act for erecting new Chapels of Ease in the Parish
" ' of Armagh, and making such Chapels of Ease and those that are
" ' already erected in said Parishes Perpetual Cures, and for making
" ' a proper Provision for the Maintenance of Perpetual Curates to
" ' officiate in the same, and for other Purposes:'"

Also the entire of an Act passed in the said Parliament of Ireland in the Fortieth Year of the Reign of King George the Third, Chapter Eighty-two, and entitled " An Act for the further Encouragement of " building and improving on Glebe Lands," except so far as it relates to the Mansion House of the See of Meath: 40 G. 3. c. 82.

Also the entire of an Act passed in the Parliament of the United Kingdom in the Forty-third Year of the Reign of King George the Third, Chapter One hundred and eight, and entitled " An Act to " promote the building, repairing, or otherwise providing of Churches " and Chapels, and Houses of Residences of Ministers, and the pro- " viding of Churchyards and Glebes," so far and no further than as the same relates to the Kingdom of Ireland: 43 G. 3. c. 108.

Also the entire of an Act passed in the said Parliament of the United Kingdom in the Fifty-first Year of the Reign of King George the Third, Chapter One hundred and fifteen, and entitled " An Act " for amending the Act Forty-third George Third, to promote the " building, repairing, or otherwise providing the Churches and " Chapels, and of Houses for the Residence of Ministers, and the " providing of Churchyards and Glebes," so far and no further than as the same relates to the Kingdom of Ireland: 51 G. 3. c. 115.

Also the entire of an Act passed in the said Parliament of the United Kingdom in the Fifty-fourth Year of the Reign of King George the Third, Chapter One hundred and seventeen, and entitled " An Act to extend, so far as relates to the building of new Churches, " an Act of the Parliament of Ireland passed in the Thirty-third Year " of the Reign of His late Majesty King George the Second, entitled " ' An Act for reviving and amending an Act passed in the Twenty- " ' third Year of His present Majesty's Reign, entitled ' An Act for " ' amending, continuing, and making more effectual the several Acts " ' now in force in this Kingdom for the more easy Recovery of " ' Tithes and other Ecclesiastical Dues of small Value, and also " ' for the more easy providing a Maintenance for Parish Clerks,' " ' so far only as the same relates to the more easy providing a " ' Maintenance for Parish Clerks, and to encourage the building " ' of new Churches:'" 54 G. 3. c. 117.

Also the entire of an Act passed in the said Parliament of the United Kingdom in the Fifty-fifth Year of the Reign of King George the Third, Chapter One hundred and forty-seven, and entitled " An " Act 55 G. 3. c. 147.

" Act for enabling Spiritual Persons to exchange the Parsonage or " Glebe Houses or Glebe Lands belonging to their Benefices for " others of greater Value or more conveniently situated for their " Residence and Occupation, and for annexing such Houses and " Lands so taken in exchange to such Benefices as Parsonage or " Glebe Houses and Glebe Lands, and for purchasing and annexing " Lands to become Glebe in certain Cases, and for other Purposes," so far only and no further than as the same relates to the Kingdom of Ireland:

6 G. 4. c. 8. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Sixth Year of the Reign of King George the Fourth, Chapter Eight, and entitled " An Act to amend and " render more effectual an Act passed in the Fifty-fifth Year of the " Reign of His late Majesty for enabling Spiritual Persons to ex- " change their Parsonage Houses or Glebe Lands, and for other " Purposes therein mentioned," so far only and no further than as the same relates to the Kingdom of Ireland:

7 G. 4. c. 66. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Seventh Year of the Reign of King George the Fourth, Chapter Sixty-six, and entitled " An Act to render more " effectual the several Acts now in force to promote the Residence of " the parochial Clergy, by making Provision for purchasing Houses " and other necessary Buildings for the Use of their Benefices," so far only and no further than as the same relates to the Kingdom of Ireland:

7 & 8 G. 4. c. 43. Also so much and such Parts only of an Act passed in a Session of the Parliament of the said United Kingdom holden in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Forty-three, and intituled " An Act to consolidate and amend the " Laws in force in Ireland for Unions and Divisions of Parishes, " and for uniting or disappropriating appropriate Parishes or Parts " of Parishes, and to make further Provision with respect to the " erecting Chapels of Ease and making Perpetual Cures," as relate to District Churches and Chapels erected from Portions of contiguous Parishes, and Districts annexed to Chapels already erected, and to Monies payable in respect of Buildings and Improvements in Parishes divided:

6 & 7 W. 4. c. 31. Also the entire of an Act passed in a Session of the said Parliament of the United Kingdom holden in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Thirty-one, and entitled " An Act to amend an Act of His late Majesty King George " the Second, for the Encouragement of building of Chapels of Ease " in Ireland:"

Also

Also so much and such Parts only of an Act passed in a Session of the Parliament of the said United Kingdom holden in the Eighth and Ninth Years of the Reign of Queen Victoria, Chapter Fifty-four, and entitled "An Act to amend the Laws in force in Ireland for "Unions and Divisions of Parishes, for the Settlement of the Pa-"tronage thereof, and the Celebration of Marriages in the same," as relate to the Apportionment of Charges for Improvements on Glebes in case of Division of Parishes: 8 & 9 Vict. c. 54.

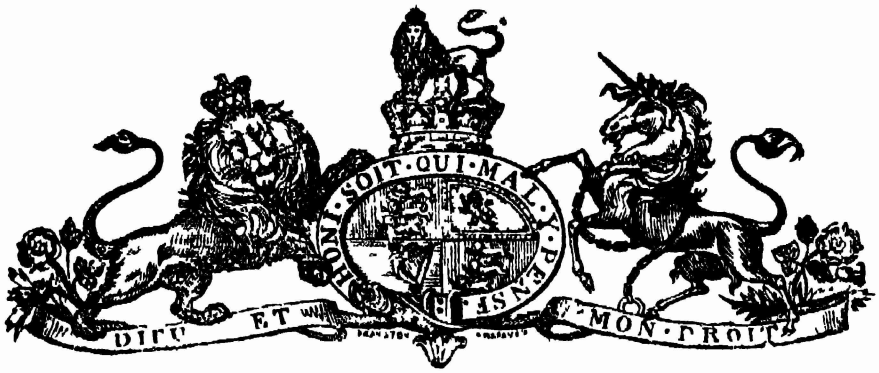
Also so much and such Parts only of an Act passed in a Session of the said Parliament of the United Kingdom holden in the Eleventh and Twelfth Years of the Reign of Queen Victoria, Chapter Forty-one, and entitled "An Act to amend the Laws relating to the "Ecclesiastical Union and Divisions of Parishes in Ireland," as relate to District Churches and Chapels erected in Portions of Parishes in different Dioceses, and the Exchange of Glebe Lands of disconnected Parishes: 11 & 12 Vict. c. 41.

Also the entire of an Act passed in a Session of the said Parliament of the United Kingdom holden in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, Chapter Ninety-nine, and entitled "An Act to encourage Endowment of Chapels of Ease, "and facilitate Assignment of pastoral Districts thereto, and to "amend an Act of the Eighth Year of Her present Majesty for "Marriages in Ireland, and for registering such Marriages," except so far as same relates to Consents given by the Lord Lieutenant, on behalf of Her Majesty, in certain Cases: 12 & 13 Vict. c. 99.

And the said several herein-before recited Acts and Parts of Acts are hereby from and after the passing of this Act repealed accordingly, save and except so far as the said recited Acts, or Parts of Acts, or any of them, repeal the whole or any Part of any other Act or Acts, and also save and except so far as relates to any Acts, Matters, and Things done, Gifts, Grants, made or executed, or as may be necessary for the Purpose of supporting and continuing any Proceeding taken, or the obtaining or enforcing any Certificate of Charge in respect of any Building or Improvements made or authorized to be made, at any Time before the Commencement of this Act, or hereafter to be done or agreed to be done, in pursuance of lawful Authority in that Behalf given previous to the passing of this Act, all which Acts, Matters, and Things, Gifts and Grants, shall be and remain of the like Validity, Force, and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed; and save and except as to the Recovery and Application of any Sum of Money recoverable by reason of any Default which shall have been committed or suffered previous to the Commencement of this Act; and also save and except as to the Recovery and Application of any Sum of Money expended or

advanced under or by virtue of any of the said recited Acts or Parts of Acts, and which may be now or at any Time after become due; all which Sums of Money, not by this Act otherwise provided for, shall and may be sued for, recovered, applied, and dealt with, to all Intents and Purposes whatsoever, as if this Act had not been passed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queens most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

With respect to the complete Endowment of Proprietary Chapels, and the Acquisition of the Right of Patronage in consideration thereof, be it enacted as follows:

As to Appropriation of a Site for Erection of Chapel thereon.

II. That it shall be lawful for any Person, Body Politic or Corporate, seised or possessed of a sufficient Estate for that Purpose, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by Deed or Will, by and with the Consent of the Bishop of the Diocese, signified in Writing under his Hand and Seal, to allot or set apart in Fee Simple or Fee Farm, or for any Term of Years whereof Sixty Years shall be then unexpired, any Land, not exceeding One Plantation Acre, within any Parish, City, or Corporate Town in *Ireland*, or the Precincts thereof, the said Land not being within One measured Mile of any other Church or Chapel wherein the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established are used and observed, unless situate within some City or Corporate Town, or within a Town containing One thousand Inhabitants, or the Suburbs, Liberties, or Precincts thereof, on which said Lands so set apart it shall be lawful for any Person, Body Politic or Corporate, with the like Consent of the Bishop of the said Diocese, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Land, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established shall be used and observed: Provided always, that such Person, Body Politic or Corporate, shall first settle and assure (and he and they are hereby authorized and empowered so to do) Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm, or for a Term of Years whereof Sixty Years at the least shall be then unexpired, free from Incumbrance, and of the clear yearly Value of Fifty Pounds at the least, or Money in any of the Government Funds amounting at least to Twelve hundred and fifty Pounds, or a Sum equal thereto partly secured on Lands as aforesaid and partly in Money as aforesaid, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel, and his Successors for ever, and as a perpetual Endowment for such Church or Chapel, together with a Sum equal to Three Pounds in every One hundred Pounds of the original Cost of erecting and fitting up or purchasing such Church or Chapel, to be secured upon Lands or Money in the Funds as aforesaid, in aid of a Fund for the Repairs of such Church or Chapel, and also such further annual Sum as may be required for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which the said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid, or partly in Money and partly in Lands, not

Endowment of Provision for Minister,

and for Repairs.

not being less in Amount than Twenty Years Purchase of such Rent or Outgoings, and that such Lands, Tenements, Tithes, or Hereditaments, and such Government Securities, shall, unless otherwise provided by the said Deed of Endowment, be vested in the Names of the Incumbent and Churchwardens or Chapelwardens of the said Church or Chapel, and their Successors for ever, so soon as they shall be respectively appointed, and in the first instance, and until such Incumbent and Church or Chapel Wardens shall be constituted and appointed, in the Bishop of the Diocese and his Successors, in trust for the Incumbent and Church or Chapel Wardens thereafter to be appointed, and from and after such Appointment in the said Incumbent and Churchwardens or Chapelwardens, and their Successors for ever; and that such Church or Chapel so erected or appropriated and endowed shall be for ever after called and known by such Name as the Founder or Founders of same shall in and by such Deed of Endowment, with the Consent of the Bishop of the Diocese, signified as aforesaid, direct and appoint.

Endowment of a Church or Chapel already built.

III. That it shall be lawful for any Person or Persons, Body Politic or Corporate, seised or possessed of a sufficient Estate in that Behalf, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by Deed or Will or otherwise, with the Consent in Writing of the Bishop of the Diocese, and also of the Incumbent or Minister of the Church or Chapel or Building herein-after mentioned, and of the Majority of the Trustees for the Time being of such Church or Chapel (if any), by a formal Deed of Endowment thereof executed under his Hand and Seal, or under the Corporate Seal, to settle Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm of the yearly Value of Fifty Pounds at the least, clear of all Outgoings, and free from Incumbrances, or Money in any of the Government Funds or other Public Securities amounting at the least to One thousand two hundred and fifty Pounds, or a Sum equal thereto partly secured by Lands as aforesaid and partly in Money as aforesaid, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel (other than the Parochial Church of the Parish) or Building lawfully licensed and fit for the Celebration of Divine Service in which the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established shall be used and observed, provided such Building be erected on a Site lawfully held in Fee Simple, Fee Farm, or for a Term of Years of not less than Sixty Years unexpired, and his Successors for ever, and as a perpetual Endowment of such Church or Chapel, together with a Sum equal to Three Pounds in every One hundred Pounds of the original Cost of erecting and fitting up the said Church or Chapel, to be secured upon Lands or Money in the Funds as aforesaid, in aid

aid of the Fund for the Repairs of such Church or Chapel; and also such further annual Sum as may be needed for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid, or partly in Lands and partly in Money, not being less in Amount than Twenty Years Purchase of such Rent or Outgoings: Provided always, that whereas several Buildings have been erected with the view of being duly endowed and constituted Proprietary Churches or Chapels upon Sites holden for Terms of Years originally not less than Sixty Years unexpired at the Time when the said Buildings or Constitutions were undertaken, but by the Efflux of Time pending the Completion of same the said Terms of Years have become reduced to a Period of less than Sixty Years, and in consequence thereof the same are now incapable of being legally endowed and constituted: Be it enacted, That in every such Case the Provisions herein before contained shall be available notwithstanding the Expiration of any Portion of said Term, being originally a Term of not less than Sixty Years, and although the said Term had not been originally for Ninety-nine Years.

Proviso as to certain Churches built on Terms originally for 60 Years.

Patronage to be vested in Trustees.

IV. That whenever any such Person, Body Politic or Corporate, shall have erected or appropriated and endowed, or joined in erecting, appropriating, and endowing, any Church or Chapel, or shall have endowed any Church or Chapel or Building already erected, in pursuance of the foregoing Provisions of this Act, whensoever the said Church or Chapel shall have been erected, the said Persons, Bodies Politic and Corporate, together with the Person or Persons in whom the Patronage of such Church or Chapel was theretofore vested, by such Deed of Endowment, executed and enrolled in manner aforesaid, shall vest the Patronage of the said Church or Chapel in Trustees, who shall not be fewer than Five nor more than Seven in Number, and being Members of the United Church of *England* and *Ireland*, to be for that Purpose named in the first instance by the said Person or Persons, Body Politic or Corporate, so erecting or appropriating or endowing such Church or Chapel, or joining in so doing, in manner aforesaid, together with the former Patron or Patrons thereof; and it shall be lawful for the Trustees of any such Church or Chapel receiving any such Endowment as aforesaid, or the major Part of them, by and with the Consent of the Ordinary of the Diocese, signified in manner aforesaid, to enter into any such Consent in and by the said Deed of Endowment as to the Manner and Order of the Nomination and Appointment to such Church or Chapel, and such Consent and Agreement of such Trustees, or the major Part of them, shall be

Trustees of Chapel already built enabled to consent.

valid and effectual to all Intents and Purposes, any Law, Trust, or Direction to the contrary in anywise notwithstanding; and the Nomination of the Minister or Curate of such Church or Chapel shall thereupon be vested in the said Trustees and their Successors for ever, who shall thereupon be the Patrons of such Church or Chapel; and the Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided, and in default of any such Provision in such Manner as the Bishop of the Diocese shall under his Hand and Seal direct and appoint; and if it shall happen that all the Trustees of the said Church or Chapel for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment contained) appointed any other Trustee or Trustees as their Successors, then and in such Case it shall be lawful for the Minister for the Time being of such Church or Chapel, with the Consent of the Bishop of the Diocese, to appoint the Number of Trustees by the Deed of Endowment required, and in case there shall happen to be no such Minister, it shall be lawful for the Bishop of the Diocese to nominate and appoint the requisite Number of Trustees as aforesaid.

Endowment of Chapels of Ease with Land in Fee Simple.

V. And whereas many pious and well-disposed Persons might be induced to erect and build Chapels more commodious for themselves and their Families in large Parishes, and endow same with a competent Provision for a Minister or Curate to officiate therein, if by Law enabled so to do, and if they were to have the Patronage of such Church or Chapel: Be it enacted, That it shall be lawful for any Person, Body Politic or Corporate, seised of a sufficient Estate for that Purpose, whether in his or their own Behalf or in pursuance of any Trust theretofore created by Deed or Will, by and with the Consent of the Bishop of the Diocese, signified in Writing under his Hand and Seal, to allot or set apart in Fee Simple or Fee Farm any Land, not exceeding One Plantation Acre, within any Parish, City, or Corporate Town in *Ireland* or the Precincts thereof, at any Distance from the Parish Church, on which said Lands so set apart it shall be lawful for any Person, Body Politic or Corporate, with the like Consent of the Bishop of the said Diocese, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Lands, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established shall be used and observed; provided always, that such Person, Body Politic or Corporate, shall first settle and assure (and he and they are hereby authorized and empowered so to do) Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm, free from Incumbrance, and of the clear yearly Value

of Fifty Pounds at the least, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel, and his Successors for ever, and as a perpetual Endowment for such Church or Chapel, and also such further annual Sum as may be required for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which the said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid not being less in Amount than Twenty Years Purchase of such Rent or Outgoings, and that such Lands, Tenements, Tithes, or Hereditaments shall, unless otherwise provided by the said Deed of Endowment, be vested in the Incumbent and Churchwardens or Chapelwardens of the said Church or Chapel and their Successors for ever, so soon as they shall be respectively appointed, and in the first instance, and until such Incumbent and Churchwardens shall be constituted and appointed, in the Bishop of the Diocese and his Successors, in trust for the Incumbent and Churchwardens thereof to be appointed, and from and after such Appointment in the said Incumbent and Churchwardens and their Successors for ever; and that such Church or Chapel so erected or appropriated and endowed shall be for ever after called and known by such Name as the Founder or Founders of same shall in and by such Deed of Endowment, with the Consent of the Bishop of the Diocese, signified as aforesaid, direct and appoint.

Parties endowing to have Patronage.

VI. That every such Person, Body Politic or Corporate, who shall so have erected or appropriated and endowed any such Church or Chapel, with such Consent as aforesaid, under the last preceding Provision, shall, from and after the Enrolment of said Deed of Endowment in manner herein-after mentioned, be the true and only Patron of the said Church or Chapel, and the sole Right of Presentation or Nomination thereto shall be for ever after vested in him or them, his or their Heirs or Successors, respectively; and where any Two or more Persons have joined in contributing to the Purchase or Erection and Endowment of any such Church or Chapel, such Person or Persons, or Body Politic or Corporate, their or his Heirs or Successors or Assigns respectively, shall nominate and appoint to such Church or Chapel in such Manner and Order as in and by the Deed of Endowment shall be directed and settled, and in default of any such Direction and Settlement, in such Manner and Order as the Bishop of the Diocese shall determine: Provided always, that it shall be lawful for the said Founder or Founders, at any Time when he or they shall so think fit, to grant and make over the Patronage or Right of Presentation of such Church or Chapel to the Bishop of the Diocese wherein same shall be situate, and his Successors for ever, and such Grant shall be by Deed under Hand and Seal, to be registered

Where several join in erecting and endowing, Patronage as by Deed of Endowment.

registered in the Registry of the Diocese, and enrolled in manner herein-after mentioned.

VII. That from and after the Execution and Enrolment of any such Deed of Endowment as aforesaid, with such Consent as aforesaid, of any such Church or Chapel, the Rector or Incumbent of the Parish, and his Successors for ever, shall be thenceforth exempt and exonerated from all Charges or Liability to provide for the Support or Maintenance of the Minister or Incumbent of such Church or Chapel erected, constituted, or endowed as aforesaid, unless such Deed of Endowment, with the Consent of the Rector or Incumbent of the said Parish, signified by his executing or endorsing his Name upon the said Deed, shall otherwise expressly provide.

After Execution, &c. of Deed of Endowment, Rector of Parish exempt from Charge for Support of Minister, &c.

VIII. That it shall be lawful for the said Trustees under any such Deed of Endowment, or the Majority of them, or other Person or Persons in whom said Trust Funds shall be for the Time vested, in case such Endowment shall be formed in the whole or part of Government Funds or other Public Securities, as they shall think fit, to dispose of such Government Funds or Securities, and to invest the Produce thereof in the Purchase of Lands, Tenements, or Hereditaments held in Fee Simple or Fee Farm, in such Manner and subject to such Restrictions as in the said Deed of Endowment may be for that Purpose provided; and where such Endowment shall be formed in the whole or in any Part of any Estate or Interest in Lands, Tenements, or Hereditaments less than a Fee Simple or Fee Farm, it shall be lawful for such Trustees, or the Majority of them, as they shall see fit, to purchase any more extensive Interest therein, or the Reversion or Inheritance therein, in such Manner and subject to such Restrictions as in the Deed of Endowment may be for that Purpose provided.

Power to Trustees to dispose of Government Securities, and invest Produce in Purchase of Lands, &c.

And with respect to the Erection of Parochial Chapels of Ease by Funds provided by way of Endowment, be it enacted as follows:

IX. That it shall be lawful for any Person, Body Politic or Corporate, with the Consent of the Bishop of the Diocese and of the Incumbent of the Parish, under their respective Hands and Seals, to be deposited in the Registry of the said Diocese, to erect or appropriate upon any Site theretofore lawfully appropriated for ever for such Purpose any Building as a Church or Chapel of Ease in the said Parish; and so soon as such Church or Chapel or Building shall have been set apart as such Church or Chapel of Ease, the Incumbent of the Parish shall be for ever, unless and until otherwise lawfully provided, the Minister of said Church or Chapel: Provided always, that wherever

Power to erect Parochial Chapels of Ease without Endowment, with Consent of Incumbents.

wherever there is a Parish Church at which the said Incumbent is bound to officiate, he shall not be bound to have Divine Service in the said Parish Church and Chapel of Ease respectively oftener than once on each *Sunday* and Holiday in each; and such Parochial Chapel of Ease shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept.

As to building Chapels of Ease in large and populous Parishes.

X. That it shall be lawful for any Person or Persons, Body Politic or Corporate, with the Consent in Writing of the Bishop of the Diocese, under his Hand and Seal first had and obtained, to be deposited in the Registry of the Diocese, in any Parish, City, or Corporate Town in which the Parish Church is not sufficient to accommodate the Number of Inhabitants that might resort thereto for Divine Worship, or is at such a great Distance that any considerable Number of the Protestant Inhabitants cannot conveniently repair thereto, the same being in the latter Case more than Three Miles distant from the Parish Church, measured along the ordinary Road, to erect or set apart any Building already erected as a Chapel of Ease in the said Parish upon any Site then or previously set apart and appropriated to the Use of such Chapel for ever; and such Chapel of Ease shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept.

Incumbent of Parish to nominate Curate for Chapel of Ease.

XI. That so soon as such last-mentioned Chapel of Ease shall be erected or appropriated and set apart for Divine Worship the Incumbent of the Parish shall from Time to Time nominate and appoint a sufficient Curate for every such Chapel, who shall be approved of and licensed by the Bishop of the Diocese, and shall thenceforward constantly perform Divine Service in the said Chapel of Ease whereunto he shall be nominated and licensed as aforesaid.

Power to Bishop to allocate such Salary to Curate as in Cases of other Stipendiary Curates.

XII. That it shall be lawful for the Bishop of the Diocese, upon the Erection or Appropriation and setting apart of any such Parochial Chapel of Ease, to allocate such Salary for such Curate to be nominated or appointed and licensed as aforesaid as he is authorized to do in Cases of other Stipendiary Curates, over and above any permanent Endowment of said Cure granted for the Augmentation of the Maintenance of such Curate, and not exceeding in the whole One hundred and twenty Pounds *per Annum*.

Where Proprietary Church, &c. has been erected and endowed, Bishop em-

XIII. That where any Proprietary Church or Chapel, or any such Chapel of Ease, in which the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established are to be used and observed, has been or shall be erected or appropriated and endowed, or it shall be intended, with such Consents as aforesaid,

said, to erect or appropriate and endow any such Church or Chapel or Building, as a Proprietary Church or Chapel, or as a Chapel of Ease, with or without Endowment, and whether under the Provisions of this or any other Act of Parliament, or by any Ecclesiastical Authority, it shall be lawful for the Bishop of the Diocese (and he is hereby required, unless from special Circumstances he shall deem it not advisable so to do,) with the Consent of the Incumbent of the Parish, to assign a particular District to every such Church or Chapel so erected or appropriated or intended so to be, and where the Site of any such Proprietary Church or Chapel, or Chapel of Ease, so erected or appropriated and endowed as aforesaid, or intended so to be, shall be contiguous to Two or more Parishes, whether in the same Diocese or in Two or more contiguous Dioceses in the same Province, it shall be lawful for the Bishop of the Diocese, or Bishops of each and every of the Two or more contiguous Dioceses respectively, conjointly, with the Consent of the respective Incumbents, to assign a District to such Church or Chapel or intended Church or Chapel, to be formed from said Parish or from contiguous Portions of said Two or more adjacent Parishes, being in the same or in different Dioceses contiguous to each other, or from a Parish and contiguous Portion of a Parish or Portions of Parishes.

powered, with Consent of Incumbent, to assign a particular District to the same.

XIV. That the Bishop of the Diocese in which such District is assigned, or the Bishops of the several contiguous Dioceses from which any District shall be assigned from Portions of contiguous Parishes in different Dioceses, shall cause a Description of the Boundaries of the District assigned by him or them to such Church or Chapel to be registered in the Registry or Registries of the said Diocese or Dioceses, and shall also cause his or their Orders and Directions in Writing as to all the Offices to be performed in any such Church or Chapel to be registered in the Registry or Registries of his or their Dioceses; and every such District when so assigned shall, from and after the setting apart of said Church or Chapel, be under the immediate Care of the Incumbent or Curate who shall be duly licensed to serve such Church or Chapel, so far as regards Visitation of the Sick and other Pastoral Duties; and it shall be lawful for the Bishop of the Diocese, or the Bishops of the several Dioceses, from which the said District shall be formed, to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in such Church or Chapel, or not, and from Time to Time to alter, enlarge, or abridge such Districts as shall become necessary or expedient: Provided always, that nothing herein contained shall be construed to discharge the Incumbent of any such Parish a Portion of which shall be included in any such District, or any other Ecclesiastical Person having

Description of Boundaries of assigned Districts to be registered

Cure of Souls within the same, or his Successors, from the Cure of Souls or other Parochial Duties in any such District, but the said Cure of Souls shall remain as heretofore.

Churches and Chapels to be under Episcopal Jurisdiction.

XV. That every such Proprietary Church or Chapel erected or appropriated or endowed, and every such Chapel of Ease erected or appropriated as aforesaid, whether under this or any other Act of Parliament, and the Incumbent or Curate officiating therein, shall be subject to the Visitation and Jurisdiction of the Bishop of the Diocese wherein such Church or Chapel is situate, to all Intents and Purposes whatsoever.

And with respect to the erecting of District Parochial Churches and Chapels by Funds provided by way of Endowment, be it enacted as follows:

As to building District Parochial Churches.

XVI. That it shall be lawful for any Person, Body Politic or Corporate, with the Consent in Writing of the Bishop of the Diocese under his Hand and Seal first had and obtained, to be deposited in the Registry of the Diocese, in any Parish in which the Parish Church is not sufficient to accommodate the Number of Inhabitants that might resort thereto for Divine Worship, or is at such a great Distance that any considerable Number of the Inhabitants cannot conveniently repair thereto, to erect any Building or Buildings, or set apart any Building or Buildings already erected, as a new Church or Chapel upon any Site then or previously set apart and dedicated to the Use of such Church or Chapel for ever, and situated in a convenient Place, and such Church or Chapel shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept: Provided always, that a District shall be previously appropriated and assigned to the said Church or Chapel within said Parish, by the Bishop of the Diocese in which it shall be situate, in manner herein-after mentioned.

As to building District Churches for several Parishes.

XVII. That it shall be lawful for any Person, Body Politic or Corporate, in any Case in which there shall happen to be a District comprising Parts of Two or more adjacent Parishes (whether in the same or in different Dioceses) so far distant from the nearest Church or Chapel in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are used and observed, that the Protestant Inhabitants thereof, or any considerable Number of them, cannot conveniently repair thither for Divine Worship, to erect a Church or Chapel, or appropriate any Church or Chapel or Building already erected upon any Site theretofore lawfully appropriated for ever for that Purpose, in some convenient Place in any One of the said adjacent Parishes: Provided always, that a District shall

shall be previously appropriated and assigned to the said Church or Chapel, in the Manner herein-after mentioned, from the said adjacent Parishes, being in the same or in different Dioceses, by the Bishop of the Diocese in which the said Parishes shall be situate, or in case they shall be situate in different Dioceses, by the Bishops of the several Dioceses, who shall in the said last-mentioned Case determine which One of the Bishops of the said adjacent Dioceses shall have and exercise Episcopal Jurisdiction over the said District, and the Incumbent or Perpetual Curate thereof, and in case the said Bishops shall not agree therein, the same may be determined by the Lord Lieutenant or other Chief Governor and the Privy Council of *Ireland*.

Power to Bishop to assign Bounds of Parochial Districts.

XVIII. That where it shall be intended to erect or appropriate and endow any such Church or Chapel as a District Parochial Church or Chapel for One Parish or Benefice only, it shall be lawful for the Bishop of the Diocese, by the Instrument herein-after mentioned, to assign a particular District to every such Church or Chapel so to be erected or appropriated as aforesaid; and where it shall be intended to erect or appropriate and endow any such Church or Chapel for a District to be formed out of Two or more Parishes or Benefices, whether in the same Diocese, or in Two or more contiguous Dioceses, it shall be lawful for the Bishop of the Diocese, or Bishops of each and every of the Two or more contiguous Dioceses respectively, concurring in the Formation of such District, conjointly, by the Instrument herein-after mentioned, to assign a District to such Church or Chapel, or intended Church or Chapel, to be formed from contiguous Portions of said Two or more adjacent Parishes, being in the same or in different Dioceses contiguous to each other.

Bounds of Parochial Districts to be ascertained by the Bishop before the same shall be erected, and Copies sent to Incumbent and Lord Lieutenant for Consents.

XIX. That before any such District Parochial Church or Chapel shall be erected in or for any such District the Bounds for such District shall be ascertained by an Instrument in Writing under the Hand and Seal or Hands and Seals of the Bishop of the Diocese, or Bishops of the several Dioceses, concurring in the Formation of such District, and such Writing shall set out the Bounds of such proposed District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and shall be marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument, and a Copy of such Instrument shall, within Fourteen Days from the Date thereof, be transmitted to the Incumbent of the Parish or the Incumbents of the several Parishes from which said District shall be proposed to be formed, and if he or they shall not consent thereto, a Copy thereof shall be forwarded to the Lord Lieutenant or other Chief Governor of *Ireland* in Council, and the Lord Lieutenant in Council shall in such Case hear

hear and determine any Objection which may be made by or on behalf of such Incumbent or Incumbents or any of them, and shall confirm or alter the same as the Circumstances of the Case may appear to require, and shall order such Instrument to be altered accordingly; and said Instrument, so consented to by the said Incumbent or Incumbents, or so altered by any such Order, or if no Order shall be made thereupon by the Lord Lieutenant or Chief Governor in Council within Six Weeks after the Date of the Transmission of the Copy of such Instrument to the Council Office in *Dublin Castle*, then such Instrument, as originally transmitted, shall be entered in the Registry of the Diocese, or of every Diocese in which such newly created District shall be situated, and for every which Entry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Register, and shall also be enrolled in the Rolls Office of the Court of Chancery in *Ireland*, for which Enrolment the Sum of Ten Shillings and no more, shall be paid over and above the Expenses usually paid to the Engrossing Clerk for the same; and upon and after the Registry and Enrolment of every such Instrument the District therein set out and described shall be deemed and reputed to be a several and distinct District or Parish for the Purposes of this Act, and for all Purposes whatsoever, and shall be called and known by such Name as shall be given thereto by such Instrument; and Churchwardens shall be chosen and appointed, and with the like Authority, within the said District, as Churchwardens of Parish Churches now by Law are or may be appointed; saving nevertheless to the Rectors or Incumbents of the several Parishes out of which such District Parishes or Cures shall be respectively formed, and their Successors, all their Rights as Rectors or Incumbents of the respective Portions of such Districts, unless otherwise directed by said Instrument.

Power to Bishop to allocate Salary to Curate.

XX. That it shall be lawful for the Bishop of the Diocese, upon the Erection or Appropriation and setting apart of any such District, out of One Benefice or Parish only to allocate such Salary for such Curate to be nominated or appointed and licensed as aforesaid as he is authorized to do in Cases of Stipendiary Curates, over and above any permanent Endowment of the said Cure granted for the Augmentation of the Maintenance of such Curate, not exceeding in the whole One hundred and twenty Pounds *per Annum*, and in case of any District being formed of Portions of Two or more adjacent Parishes, it shall be lawful for the Bishops of the several Dioceses to determine by the Instrument aforesaid the Proportion of Salary which each of the Incumbents of the adjoining Parishes out of which such District has been formed shall pay to the Curate of such District, over and above any permanent Endowment granted for his Support,

Support, if any, and to enforce Payment thereof by Sequestration of the Benefice of any Incumbent neglecting to pay same, or his Proportion thereof, at the Times appointed for the Payment thereof respectively.

XXI. That so soon as such District Parochial Church shall be erected or appropriated and set apart for Divine Worship the Incumbent of the Parish, or the Incumbents of the several Parishes from which the said District shall be taken, shall be the true and only Patron or Patrons of the said Church, and the Right of Presentation or Nomination thereto shall be from thenceforth for ever vested in such Incumbent or Incumbents, and his and their Successors for ever, and in the Case of any District formed of Portions of Two or more Parishes the Bishop of the Diocese, or the Bishops of the several Dioceses, shall, and he and they are hereby required, by the Instrument aforesaid, to regulate and determine the Manner in which each of such Incumbents shall, on Vacancies of the said Chapelry, nominate to the said Bishop, and also to appoint which of the Incumbents shall first nominate, and the Order in which the several Incumbents of such adjacent Parishes shall, in their Turn, nominate such Curate; and such Incumbent, or the Incumbents whose Turn it shall be, shall from Time to Time nominate and appoint a sufficient Curate for every such Chapelry, who shall be approved of and licensed by the Bishop of the Diocese, or Bishop having Jurisdiction over the said District, and who shall thenceforward constantly perform Divine Service in the said District Parochial Church or Chapel whereunto he shall be nominated and licensed as aforesaid.

As soon as District Parochial Church is erected, &c. Patronage to be vested in Incumbents.

XXII. That the Bishop of the Diocese under whose Episcopal Jurisdiction such Parochial District and Incumbent or Perpetual Curate shall be placed, or in whose Diocese the entire of such District shall be locally situate, shall and may have, use, and exercise all Ecclesiastical and Spiritual Jurisdiction, Powers, and Authorities in and over such District, and the Incumbent or Perpetual Curate and Inhabitants thereof, and, in the former Case, in the same Manner, and as fully and to the same Extent, as if the entire of the said District had been erected and formed out of Parishes locally situate within such Diocese; and the said District shall, for the Purposes aforesaid, be deemed and taken to be within the Limits of such Diocese: Provided always, that nothing herein contained shall render the Incumbent of any Parish a Portion whereof shall be included in such District, or the Emoluments, Rents, or Tithe Rentcharge of such his Benefice, subject to the Jurisdiction of any Bishop, save the Bishop in whose Diocese his Benefice shall be situate, or prejudice or affect his Rights, Privileges, or

Bishop to exercise Jurisdiction over District, Incumbent, &c.

Nothing to render Incumbent subject to any Bishop but that of his Diocese.

or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed exclusively out of his Parish.

Churches and Chapels to be Perpetual Cures capable of Endowment.

XXIII. That every such Proprietary Church or Chapel erected or appropriated or endowed, and every such Parochial Chapel of Ease and District Parochial Church or Chapel erected or appropriated with or without Endowment as aforesaid, and whether under the Provisions of this or any other Act of Parliament, shall be, from and after the Endowment of such Proprietary Church or Chapel, and after the Erection of such Parochial Chapel of Ease and District Parochial Church or Chapel, become and be, a Perpetual Cure and Benefice, by such Name as in the Case of an Endowment shall be mentioned in the Grant of such Endowment, and in default thereof, and in all other Cases, by such Name as by the Founders thereof, with the Consent of the Bishop of the Diocese or District, shall be given, or in default thereof by such Name as the Bishop of the Diocese shall think proper to give it; and the Incumbent or Curate thereof, duly nominated, appointed, and licensed thereto, and his Successors for ever, shall be esteemed to be in Law a Perpetual Curate, to all Intents and Purposes whatsoever, and a Body Politic or Corporate, and shall have perpetual Succession as such, and be capable of receiving to him and his Successors in perpetuity any Endowment in Lands, Tenements, or Hereditaments, Money, or Public Stock or Funds, which may be granted unto him by virtue of this or any other Act, by any Deed of Endowment, or by last Will and Testament.

As to Plurality of Benefices.

XXIV. That if any Ecclesiastical Person already possessed of any Benefice, Curacy, or Preferment shall be nominated and appointed to officiate in any such Proprietary Church or Chapel, Parochial Chapel of Ease, or District Parochial Church or Chapel erected or appropriated or endowed under the Provisions of this or any other Act, and shall accept such Appointment, and be duly licensed thereto, in such Case such Benefice, Curacy, or Preferment shall from thenceforth become absolutely void, and thereupon it shall be lawful for the Patron thereof to collate, nominate, or present thereto as if the former Incumbent or Curate had died; and in case any such Incumbent, Minister, or Curate duly licensed to officiate in any such Church or Chapelry shall be licensed, collated, inducted, or installed into any other Perpetual Curacy, Benefice, or Preferment, that in such Case the said Appointment of any such Person as such Incumbent, Minister, or Curate of such Church or Chapel as aforesaid shall be thenceforth absolutely void, and thereupon it shall be lawful for the Patron or Patrons thereof to nominate and appoint another fit and proper Person to officiate as such Incumbent, Minister, or Curate in such Church

Church or Chapel, as if the former Incumbent, Minister, or Curate had died: Provided however, that in case any such Proprietary Church or Chapel, or Perpetual Curacy, erected, appropriated, endowed, or augmented under the Provisions of this or any other Act, and being without actual Cure of Souls of any Parish or Parochial District, shall be situated contiguous and convenient to any One or more Benefice or Benefices having no Parochial Church within the same, it shall be lawful for the Bishop of the Diocese, if he shall so think fit, by any Writing under his Hand and Seal, to be registered in the Registry of the Diocese, to license the holding of such Benefice or Benefices together with such Chapelry or Curacy, any Law or Statute to the contrary notwithstanding, but so that the special Reasons for granting such Licence shall be thereby assigned and stated.

As to Non-residence.

XXV. That if the Incumbent, Minister, or Curate of any such Proprietary Church or Chapel, or Parochial Chapel of Ease, or District Church or Chapel, or Perpetual Curacy, erected, constituted, or endowed under the Provisions of this or any other Act, shall be absent from his Cure for above the Space of Sixty-one Days in any One Year, without the Licence of the Bishop of the Diocese having Ecclesiastical Jurisdiction over the said Church or Chapel first had and obtained for that Purpose, such Church or Chapel or Curacy from thenceforth shall be deemed in Law to be actually avoided, and such Incumbent, Minister, or Curate from thenceforth for ever after shall be disabled to hold and enjoy the same: Provided always, that no Lapse shall incur in respect of such Non-residence until Six Months after Notice thereof in Writing given by the Ordinary of the Diocese to the Patron or Patrons having the Right of Nomination in such Case.

Where Chapels, &c. are suffered to remain void for a certain Time, the same to lapse to the Bishop.

XXVI. That in case any such Proprietary Church or Chapel, or Parochial Chapel of Ease, or District Parochial Church or Chapel, or Perpetual Curacy, erected, constituted, or endowed under the Provisions of this or any other Act, shall be suffered to remain void for the Space of Six Calendar Months without any Nomination of a fit and proper Person to serve the same, by the Patron or Patrons thereof, to the Bishop of the Diocese, or the Bishop having Jurisdiction over the said Church or Chapel, the same shall lapse to the said Bishop, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the Course of Law used in Cases of Presentative Livings and Benefices: Provided always, that in case the said Patron or Patrons shall, after having suffered the said Lapse to incur, afterwards present or nominate to the same before any Advantage taken of the same by the Bishop, Metropolitan, or

or by the Crown respectively, such Presentation or Nomination shall be as effectual as if made within Six Months, although so much Time has already elapsed as that the Title by Lapse shall have vested in the Crown.

As to Appointment of Chapelwardens.

XXVII. That it shall be lawful to elect, admit, and swear Two fit and proper Persons, being Members of the United Church of *England* and *Ireland*, to act as Chapelwardens in any Proprietary Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act for the Encouragement of the building of Churches or Chapels in *Ireland*, in the same Manner and at the same Period in every Year as in the Case of Churchwardens of Parochial Churches, One of such Chapelwardens to be named by the Incumbent or Minister, or by the Bishop of the Diocese in case there shall be none, and the other by the Proprietors of Pews in such Church or Chapel, or by the Trustees of the Church or Chapel in the first instance, before the said Pews or One Third thereof shall be let; and such Chapelwardens, when so elected, admitted, and sworn as aforesaid, shall have the like Authority within the said Church or Chapel as Churchwardens in the Case of a Parish Church have, and shall, unless otherwise provided by the Deed of Endowment, take care of the Repairs of the said Church or Chapel and the Management of the Funds thereof, and be competent to recover, by all proper Means and Proceedings, the Pew Rents and other Dues belonging to the said Church or Chapel, and so that no such Proceeding shall abate by reason of the Death, Removal, or going out of Office of any such Chapelwardens, but may be commenced, prosecuted, and continued in the official Name of the Chapelwardens of such Church or Chapel, describing the same by its usual Name, or by its local Situation: Provided always, that the Office, Powers, and Duties of such Chapelwardens, when selected, admitted, and sworn, shall be continued until Successors shall be chosen and sworn to fill the said Office as aforesaid.

Where no Parish Church, Bishop may require Service to be performed in any licensed Building.

XXVIII. That it shall be lawful for the Bishop of any Diocese in any Parish in which there shall be no Parish Church, or no Church in sufficient Repair for the Purpose of Celebration of Divine Service in any Parish, to license any Place or Places in the said Parish which may appear to him suitable and convenient for the Celebration of Divine Service, and to authorize and enforce the Performance and Celebration thereof in such licensed Place or Places by the Incumbent of said Parish, or his Curate, in the same Manner as if such licensed Place or Places of Worship had been duly consecrated Churches or Parochial Chapels of Ease.

And

And with respect to the providing and Endowment of Sites for Churches and Chapels, be it enacted as follows:

Power to appropriate and set apart Land for the Erection of a Church or Chapel.

XXIX. That it shall be lawful for any Ecclesiastical Person or Corporation for the Time being Owner of any Demesne, Mensal, or Glebe or other Ecclesiastical Lands holden in right of his See, Benefice, Dignity, or Preferment, or in right of their Corporation, by and with the Consent of the Bishop of the Diocese and the Archbishop of the Province in which the said Lands shall be situate, testified under their respective Hands and Seals, and for any Person or Persons whatsoever seised of an Estate in Fee Simple or Fee Tail, or for Life with immediate Remainder to his own Issue, of or in any Lands whereon any new Parish Church, District Parochial Church, or Parochial Chapel of Ease, or Proprietary Chapel, or other licensed Building, has been, is being, or is intended to be, and may be conveniently or suitably built, to appropriate and set apart, by his or their Deed duly executed, or in case of any such Person seised in Fee Simple, Fee Tail, or for Life, by last Will and Testament duly executed at least Three Calendar Months before his Decease, such Land or Portion of the said Land as may be convenient for the Erection of such Church or Chapel not exceeding One Acre Plantation Measure, and such Appropriation, provided the Bishop of the Diocese shall assent to and confirm the same by Writing under his Hand and Seal, shall in every such Case be valid and effectual to all Intents and Purposes, and in the Case of such Ecclesiastical Person or Corporation seised in right of his Benefice, Dignity, Preferment, or Corporation, and of such Person seised in Fee Tail, or for Life with Remainder to his Issue, shall be as valid and effectual as if said Lands had been granted by a Person capable of absolutely disposing of same, and such Person or Corporation shall for the Purpose of this Act be deemed to be a Person having a sufficient Estate in that Behalf: Provided always, that every such Grant or Devise made in respect of any Church or Chapel intended to be built shall at the Election of the Grantor or his Representatives, be null and void from and after the Period of Six Years from the Execution of the said Deed, or of the Death of such Testator, unless such Church or Chapel shall have been erected, endowed, or constituted in the meanwhile by lawful Authority.

Power to grant Land for Site of Church or Chapel.

XXX. That it shall be lawful for any Person or Persons whatsoever seised of an Estate in Fee Simple, Fee Tail, or for Life or Lives under any Settlement or Will in his or their own Right, and for the Guardians, Trustees, or Feoffees for charitable and other Uses, and for any Married Woman seised in her own Right, and for Guardians of Minors and Committees of Lunatics and Idiots, with Consent of the Court of Chancery, seised of said Estate as aforesaid,

of or in any Lands whereon any Parochial or District Chapel of Ease or Proprietary Chapel, or other licensed Building in which Divine Service according to the Liturgy and Rites of the Established Church of *England* and *Ireland* has been or shall be lawfully performed, is intended to and may be suitably built, or has been previously built, by Deed duly executed and registered and enrolled in manner herein-after mentioned, to grant in Fee Farm such Portion of Land as may be convenient and necessary (not exceeding One Acre, Plantation Measure,) as and for the Site of said Church or Chapel, and shall and may by such Deed reserve such yearly Rent out of said Land as shall be agreed upon between such Person so granting the same and the Incumbent, Chaplain, or Curate, or Trustees (if any), or the major Part of the said Trustees, of such Church or Chapelry, by and with the Consent of the Bishop of the Diocese in which such Church or Chapelry shall be situate, to be signified by a Certificate in Writing under his Hand and Seal, to be registered in the Registry of the Diocese, or by Indorsement on said Deed of Grant; provided that no such Consent of the said Bishop shall be given unless such Bishop shall be first satisfied that competent Provision has been made towards the perpetual Discharge of the Rent reserved by such Grant.

Title to Site indefensible.

XXXI. That any Lands or Tenements granted or conveyed for the Site of any such Church or Chapel as aforesaid, and upon which any Church or Chapel has been or shall be erected or appropriated or endowed as aforesaid under the Provisions of this or any other Act, shall, without any Licence in Mortmain, become and remain absolutely vested in the Trustees for the Time being in the said Deed of Endowment of said Church or Chapel or licensed Building named or thereafter duly appointed, and their Successors, or in case there shall be no such Trustees nominated or appointed by such Deed, in the Incumbent or Curate and the Churchwardens or Chapelwardens (if any) of such Church or Chapel, and his and their Successors for ever, and in case there shall be no such Incumbent or Church or Chapel Warden yet appointed, shall be vested in the Bishop of the Diocese and his Successors until such Appointment, free from and discharged of all Demands, Claims, Rights, and Interests in any Person, Body Politic or Corporate whatsoever, including Her Majesty the Queen and Her Successors, but subject nevertheless to the Payment of any Rent that may be reserved thereout, and the Covenants and Conditions under which same are held.

Transfer of Freehold and Leasehold

XXXII. That whenever any Freehold or Leasehold Property has become or hereafter shall become, by any Conveyance, Assignment, or

or Assurance, vested in any Trustee or Trustees of any such Church or Chapel as aforesaid, for the Purpose of maintaining the Celebration of Divine Service in such Church or Chapel, or of Endowment of Provision for the Minister or Curate thereof, or for a Residence for same, or for a Schoolhouse, such Conveyance, Assignment, or Assurance shall not only vest the Freehold or Leasehold Property thereby conveyed or assured in the Party or Parties therein named, but shall also effectually vest such Freehold or Leasehold Property in their Successors in Office for the Time being and the old continuing Trustees, if any, jointly, or if there be no old continuing Trustee, then in such Successors for the Time being lawfully chosen and appointed, wholly upon the like Trusts and with and subject to the same Powers and Provisions as are contained in or referred to in such Conveyance, Assignment, or other Assurance, or in any separate Deed declaring the Trusts thereof, and that without any Transfer, Assignment, Conveyance, or other Assurance whatsoever, anything in such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument, to the contrary notwithstanding: Provided always, that in case of any Appointment of a new Trustee or Trustees being made as by Law heretofore was required, the same shall be as valid and effectual to all Intents and Purposes as if this Act had not been passed.

Property to new Trustees without Conveyance.

And with respect to the making and augmenting Provisions for the Support of the Curates of Parochial Chapels of Ease, and District Parochial Churches and Chapels, and Proprietary Churches and Chapels, by way of Endowment, be it enacted as follows:

XXXIII. That it shall be lawful for the Incumbent of any Parish within which any such District Parochial Church or Chapel or Parochial Chapel of Ease shall be or is about to be erected, or from which in part or wholly the District assigned thereto shall have been formed, by any Deed under his Hand and Seal, to endow such District Parochial Church or Chapel or Parochial Chapel of Ease with such a competent Portion of the Glebe or Tithe belonging to the said Parish as shall be agreed upon by the Bishop and Dean and Chapter, if any, of the Diocese in which the said Parish shall be situate, and the Patron of the Benefice to which the said Glebe or Tithe did belong, and the Incumbent of the said Chapelry, if any, such Consent to be testified by their being Parties to and affixing their Seals to such Writing, not exceeding One Sixth Part of the yearly Income of the said Incumbent out of the said Parish, such Writing of Endowment to be registered and enrolled in the Manner herein-after mentioned, and that upon the Grant of such Endowment being registered and enrolled as aforesaid the Incumbent of the said Parish

Endowment of Provision for Parochial Chapel by Incumbent of Parish.

Parish and his Successors for ever shall be thenceforth discharged from Payment of any Salary or Proportion of the Salary of such Curate so endowed as aforesaid.

Endowment of Provision for District Parochial Churches and Chapels of Ease and Proprietary Chapels by Strangers.

XXXIV. That it shall be lawful for any Person under no legal Disability or Incapacity, or Body Politic or Corporate, having an Estate of Inheritance in Fee Simple or Fee Farm in his, her, or their own Right, or in right of their Corporation, in or of any Lands, Tithes, Tenements, or Hereditaments, and by and with the Consent of the Bishop of the Diocese, under his Hand and Seal, and without any Licence of Alienation or in Mortmain, by Deed indented, under Hand and Seal, or under the Corporate Seal, or in case of a private Person by last Will and Testament in Writing duly executed Three Months at least before the Death of such Testator, provided the Bishop of the Diocese shall confirm and approve of the same under his Hand and Seal, to grant, convey, devise, or bequeath Lands, Tithes, Tenements, or Hereditaments, not exceeding the clear yearly Value of One hundred and fifty Pounds, to any Incumbent or Curate officiating in any such Church or Chapel, and his Successors for ever, or to the Bishop of the Diocese and his Successors in trust for such Incumbent or Curate and his Successors for ever, when such Incumbent or Curate shall thereafter be admitted and licensed, or any Sum of Money, or Government or other Stock or Funds, not exceeding Three thousand Pounds, to any such Incumbent or Curate and his Successors for ever, or to any Trustee or Trustees on his Behalf, or to the Trustees of any such Church or Chapel, the same to be invested in Government or Public Securities in the Names of the Trustees of the said Church or Chapel, or, in case there shall be no Trustees, in the Names of the Incumbent or Curate of such Church or Chapel and the Churchwardens or Chapelwardens thereof, as a perpetual Endowment or Augmentation for such District Parochial Church or Chapel, or such Parochial Chapel of Ease, or Proprietary Church or Chapel, then already erected or intended to be thereafter erected and constituted by lawful Authority, or in aid of any Endowment or Provision made or to be made under the Provisions of this or any other Act of Parliament by the Incumbent of the Parish in which the said Church or Chapelry has been or shall be erected, or from which partly or wholly the District assigned thereto has been or shall be assigned, and such Grant or Conveyance, Devise or Bequest, shall be entered in the Registry of the Diocese to which such Church, Chapel, or District shall belong, and such Deed shall be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* in manner herein-after provided; and every such Grant and Conveyance, Devise or Bequest, so made and enrolled and confirmed as aforesaid, shall be valid and effectual in Law to all Intents and Purposes, whether such

Chapel

Chapel or Church shall be vacant or full of an Incumbent at the Time of such Grant or Conveyance: Provided always, that every such Grant or Endowment intended for any Parochial or District or Proprietary Chapelry not then erected or constituted shall, at the Election of the Donor or his Representative, from and after the Expiration of Six Years from the Execution of such Deed or the Death of such Testator, be null and void, unless in the meanwhile such Church or Chapelry shall have been erected and constituted by lawful Authority.

Application of Collections and Pew Rents.

XXXV. That in every such Proprietary Chapel erected, constituted, or endowed under this or any other Act of Parliament, it shall be lawful for the Chapelwardens or Trustees to collect and levy and recover an annual Rent for the Use of the Pews and Sittings in such Church or Chapel from such Persons as shall be willing to take and occupy same, and to apply the said Rents in and towards defraying the necessary Repairs and Insurance of the said Church or Chapel, increasing the Stipend or Salary of the Incumbent or Curate, or in defraying the other incidental Charges and Outgoings appertaining thereto, unless otherwise provided by the Deed of Trust or Endowment thereof: Provided always, that in every such Proprietary Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act of Parliament One Third at least of the Sittings shall be set apart as Free Sittings for ever.

Certain Sittings to be set apart as Free Sittings.

And with respect to the Restoration of Ecclesiastical Property to Rectors and Vicars, be it enacted as follows:

Endowment of Provision for Rectors and Vicars by Restoration of Ecclesiastical Property.

XXXVI. That it shall be lawful for any Person, being under no Disability or Incapacity, or for any Body Politic or Corporate, seised of any Impropriation of any Parsonage, Rectory, Vicarage, or other Ecclesiastical Benefice, or of any Glebe Lands, Tithes, Portions, or other Property heretofore ecclesiastical, of any Estate of Inheritance, in possession, reversion, or remainder, by any Deed duly executed under Hand and Seal, or under the Corporate Seal, or by last Will and Testament duly executed in the Case of a private Person, and without any Licence of Alienation or in Mortmain, to restore, dedicate, devise, or convey the same or any Part thereof to the Rector or Vicar of the Parish in which the said Ecclesiastical Property shall be situate, and his Successors for ever, and in case there shall happen to be no Parson, Rector, or Vicar endowed within the said Parish, to the Bishop of the Diocese and his Successors for ever, in trust to and for the Use of such Minister or Curate as shall serve the Cure in the said Parish until there

shall be a Rector or Vicar there established, and then and thereafter to the sole Use of the Rector or Vicar of the said Parish and his Successors for ever, and thereupon, from and after the Execution of the said Deed, or the Death of such Testator, and the Registry of such Deed or Will in the Manner herein-after provided, the said Rector and Vicar and his Successors, or the said Bishop and his Successors, shall stand and be seised thereof to him and his Successors for ever of an absolute and indefeasible Estate in Fee Simple; and in case there shall be no Parson or Vicar endowed within the said Parish, and there shall be limited and assured as aforesaid a competent Provision in Glebe Lands, Tithes, or other the Premises aforesaid, which shall be in the Judgment of the Bishop of the said Diocese adequate to the Support and Maintenance of a Rector or Vicar to serve the Cure of said Parish, it shall be lawful for the said Bishop to ordain, constitute, and appoint a sufficient Minister to be Rector or Vicar of the said Parish in a perpetual Succession to him and his Successors for ever, and to cause him to be admitted, instituted, and inducted as Parson and Rector or Vicar thereunto, which Ordination, Constitution, and Appointment, Institution and Induction, shall within Six Months thereafter be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, and from and after the Enrolment thereof the said Parson or Vicar so ordained, instituted, and inducted shall be the Parson or Vicar of the said Rectory, Church, and Parish to him and his Successors for ever in perpetual Succession, and shall be seised to him and his Successors for ever of all and every the Parsonage or other Benefice, Appropriation, Glebe Lands, Tithes, and Premises conveyed or devised as aforesaid to the Bishop of the Diocese as aforesaid of an absolute and indefeasible Estate in Fee Simple as Parson and Rector or Vicar of that Church and Parish; and in case such Endowment shall be the sole and only Provision of such Rector or Vicar in right of the same Benefice, or Four Times in yearly Value so much or more as such Rector or Vicar formerly had in right of the said Benefice, in such Case the sole Patronage of such Benefice shall belong to such Donor or Devisor and his Heirs and Successors only, but if the same be only Three Times so much, then such Donor or Devisor, his and their Heirs and Successors, shall have upon the successive Avoidances Three Presentations, and the former Patron One Presentation, and if but twice as much, then said Donor or Devisor, his or their Heirs or Successors, shall have upon the successive Avoidances Two Presentations, and the former Patron One Presentation, and if of equal yearly Value or any greater Value, not amounting to the double Value, then the said Donor or Devisor, his or their Heirs and Successors, with such former Patron, shall present by Turns, whereof the said Donor shall have the first; and, on the other hand,

Patronage in respect of 10 & 11 Car. 1. c. 2 s. 5.

hand, where the former Endowments of such Benefice shall exceed the yearly Value of said Endowment, under the foregoing Provision, the like Proportion and Order to be holden as to the Right of Presentation thereto, the said Order and Proportion to be determined by Commission to be granted out of the Court of Chancery at the proportionable Charge of the said Donor and former Patron, which being executed and returned into the said Court of Chancery shall be final to all Parties.

And with respect to the Endowment of small Rectories and Vicarages and Perpetual Curacies, and Acquisitions of Patronage thereby, be it enacted as follows:

Endowment of Provision for Rectors, Vicars, and Curates by Lay Property.

XXXVII. That it shall be lawful for any Person or Persons, Body Politic or Corporate, being under no legal Disability or Incapacity, and without any Licence of Alienation or in Mortmain, by and with the Consent of the Ecclesiastical Person or Corporation seised of the Right of Presentation thereof, and of the Bishop of the Diocese, by any Deed under Hand and Seal, or under Seal of such Corporation, to endow any Benefice, Vicarage, or Perpetual Curacy whereof the Advowson or Right of Patronage shall belong to any Ecclesiastical Person or Corporation, and having no Provision or Endowment thereunto belonging of the Value of Fifty Pounds by the Year, with any Lands, Tithes, Tenements, or Hereditaments of the clear yearly Value of Seventy-five Pounds *per Annum*, or with Money in the Government Funds not producing at the Time of the Endowment a greater yearly Income than Seventy-five Pounds, to be invested in the Name of the Bishop of the Diocese and the Rector and Vicar or Curate aforesaid, as a perpetual Provision for the Rector, Vicar, or Curate of such Benefice, Vicarage, or Curacy, and his Successors for ever; and thereupon it shall be lawful for such Ecclesiastical Person or Corporation seised of such Right of Patronage, Nomination, or Presentation as aforesaid to convey and make over the Advowson, Right of Patronage, Presentation, or Nomination of such endowed or augmented Benefice to the Person or Persons so endowing or augmenting the same in manner aforesaid, his or their Heirs or Successors and Assigns for ever, or by Agreement to grant the Right of Presentation upon every alternate or other Vacancy of the said Benefice, Vicarage, or Curacy in proportion to the Amount of the said Endowment as compared with the previous Endowment of the same, or as nearly in such Proportion as Circumstances will admit, which Deed of Endowment and of Conveyance shall be entered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*; and from and after such Endowment and Conveyance, registered and enrolled as aforesaid, the Person, Body Politic or Corporate,

Corporate, who shall so endow or augment the same, and his Heirs and Successors, shall be the true and only Patron or Patrons of such endowed or augmented Benefice, Vicarage, or Curacy, or shall have the Patronage of such alternate or other Nomination thereto according to the Provisions of said Deed, and where Two or more Persons or Body Corporate or Politic join in making such Endowment or Augmentation of any such Benefice, Vicarage, or Curacy in manner aforesaid, such Person or Corporation respectively shall present or nominate to the said Benefice, Vicarage, or Curacy by Turns in such Manner as by Deed of Endowment shall be mentioned, and in default thereof in such Manner as the Bishop of the Diocese shall determine and appoint, or shall participate in the Patronage upon alternate or other Vacancies, according to the Provisions of the said Deed, or in default of any such Provision according to the Directions of the Bishop.

And with respect to appropriate and impropriate Parishes, and the Disappropriation and Endowment thereof, be it enacted as follows:

Power to Archbishop, &c. to declare appropriate Parishes to be perpetual Cures, &c.

XXXVIII. That it shall be lawful for any Archbishop, Bishop, Dean, Archdeacon, or other Dignitary having any Parish with Cure of Souls appropriate and annexed to his See or Dignity as Part of the Corps thereof, by and with the Consent in the Case of an Archbishop of his Dean and Chapter, and in case of a Bishop with the Consent of the Archbishop of the Province and Dean and Chapter of the Diocese, and in all other Cases with the Consent of the Archbishop of the Province and Bishop and Dean and Chapter of the Diocese, there being Two Thirds at least of such Chapter present, and if there shall be no Dean and Chapter in any of the above Cases, with the Consent, in stead and lieu thereof, of the Archbishop and major Part of the rest of the beneficed Clergy in Synod or at Visitation assembled, testified by any Writing under their Hands and Seals, or being Parties to and affixing their Seals to such Writing as is hereinafter mentioned, to declare, by any Writing under the Hand and Seal of such Ecclesiastical Person, to be deposited in the Registry of the Diocese and of the Province in which such Parish shall be situate, and enrolled in the Rolls Office of the High Court of Chancery, that such appropriate Parish shall be thenceforth deemed or taken to be a Perpetual Cure, and the Incumbent thereof and his Successors, shall be duly licensed and admitted by the Bishop of the Diocese, and be a Body Politic and Corporate, capable of perpetual Succession and of receiving Endowment in that Behalf, and the Right of Nomination to any such Parish or Curacy aforesaid shall be vested in the Ecclesiastical Person or Corporation to whose See, Dignity, or Preferment the said Parish was appropriated, unless and until otherwise endowed under the Provisions herein contained; and

and the Ecclesiastical Person to whose See, Benefice, or Preferment the said Parish is or was appropriate shall provide for the Minister or Curate officiating in said Church or Chapel such annual Salary and Allowance as of Right ought to be paid and allowed, and which he might have been liable to theretofore: Provided always, that the Cure of Souls and other Parochial or Ecclesiastical Duties in any such Parish shall remain as theretofore.

Endowment by Ecclesiastical Persons of Vicarages appropriate.

XXXIX. That it shall be lawful for any Ecclesiastical Person or Corporation, with the Consents aforesaid, testified in the Manner aforesaid, by any Deed under his Hand and Seal, to be deposited in the Registry of the Diocese and Province, and enrolled in the Rolls Office of the High Court of Chancery, to endow any Parish, Vicarage, or Perpetual Curacy the Church whereof is appropriate to his or their See, Benefice, Dignity, or Preferment, or, having been appropriated thereto, has been or shall be disappropriated therefrom, with a competent Portion of Glebe or Tithes, or both, belonging to such See, Benefice, Dignity, or Preferment in such Parish, or to augment such Endowment as has been already made for the Maintenance and Support of a proper Vicar or Curate and the Performance of Divine Service in such Parish, Vicarage, or Curacy, and that thereupon such Ecclesiastical Person and his Successors shall be thenceforth for ever discharged for the Payment of any Salary to the said Incumbent or Curate so endowed as aforesaid: Provided always, that no such Ecclesiastical Person or his Successors, to whose See, Benefice, or Dignity such Parish was appropriate, shall receive any Benefit or Advantage from such Endowment or Augmentation.

Power to Persons seised of Ecclesiastical Benefices impropriate to present competent Clerks for such Benefices.

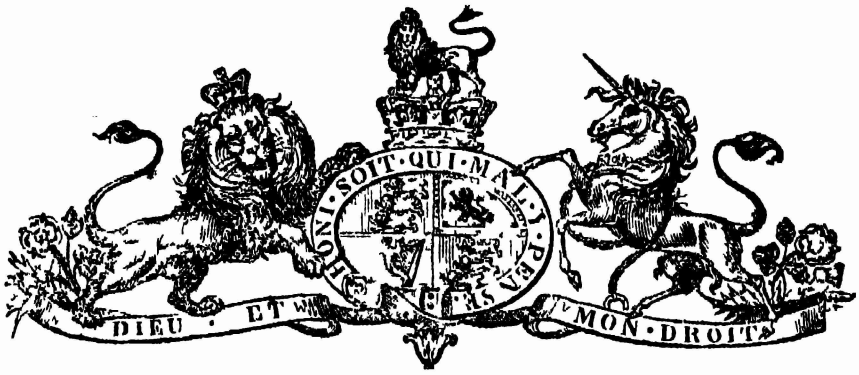
XL. That it shall be lawful for any Person or Persons, being under no legal Disability or Incapacity, and for any Body Politic or Corporate, seised of an Estate of Inheritance in possession of any Parsonage, Vicarage, or other Ecclesiastical Benefice impropriate in *Ireland*, by Writing under his Hand and Seal, or under the Corporate Seal, to present to the Bishop of the Diocese in which such Benefice shall be situate a lawful and competent Clerk for such Parsonage, Vicarage, or Benefice, who shall thereupon be admitted, instituted, and inducted into the Church or Benefice, which Presentation, Admission, Institution, and Induction shall be entered and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*; and from and after such Presentation so made and enrolled as aforesaid the said Impropriation shall be for ever dissolved, and the said Rectory, Vicarage, or other Benefice shall thenceforth become presentative for ever by the Donor thereof, his or their Heirs, Successors, and Assigns, in such Manner and Form, and subject to the like

Enactments as to Plurality, Non-residence, and Lapse, as other Churches presentative are.

Registry and Enrolment of Deeds and Wills.

XLI. That every Deed of Endowment or Grant for the Erection, Appropriation, Endowment, or Augmentation of any Church, Chapelry, or Curacy, and every last Will and Testament for the Endowment of the same, and every Deed disappropriating any appropriate or impropriate Rectory, or providing for the Endowment of the same, shall, within Six Months after the Execution of the said Deed or the Death of such Testator, be registered in the Registry of the Diocese of the Bishop having Episcopal Jurisdiction over the same, for every which Registry a Fee of Two Shillings and Sixpence and no more shall be charged; and every such Deed shall within such Time be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Enrolment the Fee of Ten Shillings, and no greater Sum, shall be charged, in addition to the usual Fees for Ingrossment of same.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Perpetual Curate of any Parochial or District or Proprietary Chapelry:

The Expression "Bishop," shall comprehend and apply to an Archbishop:

The Expression "Improvement" shall include all Alterations, Additions, and Repairs (annual necessary Repairs of an ordinary Nature only excepted) in, to, and of any Buildings, Walls, or Fences on any Ecclesiastical Residence, or Demesne, Mensal, or Glebe Lands:

The Expression "See," "Benefice," or "Preferment" shall include any united Sees, and permanently united Benefices, or Preferments, so long as the same shall be so united by lawful Authority, and any divided See, Benefice, or Preferment, so long as same shall remain disunited.

With respect to the building and improving Ecclesiastical Residences by way of Memorial, Certificate, and Charge, be it enacted as follows:

Memorial of proposed Building or Improvement to be presented and approved of.

II. That any Ecclesiastical Person, from and after the passing of this Act, intending to erect or make or complete any Building or Improvement on his Demesne, Mensal, or Glebe Lands, and whether on a new or an ancient Site, shall, One Fortnight at the least before he shall have begun to erect or make such Building or Improvement, give unto the Person or Persons who by this Act is or are empowered to grant the Certificate of Charge herein-after mentioned a Memorial in Writing in Three Parts, subscribed with his proper Name and Handwriting, setting forth the Length, Breadth, Height, and Thickness of the Walls of such House or Houses as he intends to build or complete, with the Number of Stories to be contained in the same, together with the Situation of the Ground on which the same are to stand, and a general and sufficient Description of all Houses, Offices, or Buildings, or Parts of such Houses, Offices, or Buildings, Lands or Premises, intended to be improved, and the Occasion for the same, and the Nature and Extent of the intended Improvements, and the maximum Sum proposed to be expended in such Purchase, Buildings, or Improvements, together with an Account or Estimate of the clear yearly Income of his See, Benefice, or other Ecclesiastical Preferment, after all legal Deductions from the same, to be specified in said Memorial or a Schedule thereunto annexed, which said Deductions shall, according to the Circumstances of the Case, comprehend such of the following Particulars as shall be applicable thereto, namely, Tax payable to Ecclesiastical Commissioners, legal Salary of permanent and necessary Curate or Curates, Proxies, Visitation Fees, Charge for Diocesan Schools, Poor's Rate (computed on an Average of Three Years next preceding) on Rentcharge, or other Ecclesiastical Revenues; and the

Person

Person or Persons hereby empowered to grant a Certificate of Charge shall, if he or they shall approve of such proposed Buildings or Improvements, in whole or in part, signify in Writing upon the said Memorial his or their Consent to the same, and shall express thereon the Date of such Approval, and cause one Part of such Memorial and Consent, signed by the Person or Persons giving such Consent, to be delivered to the Ecclesiastical Person presenting the same, or his Representatives, and shall cause one other Part of the said Memorial and Approval to be entered at large in the Registry of the Diocese wherein the said Building or Improvements are intended to be erected or made, and shall retain the Third Part thereof for his own Use.

Power to grant a Commission to view and examine Buildings and Improvements made, &c.

III. That the Person or Persons empowered to grant the Certificate of Charge herein-after mentioned shall, at the Request in Writing of any such Ecclesiastical Person who shall have so undertaken any such Buildings or Improvements, in pursuance of a Memorial presented and approved of as aforesaid, or of his personal Representatives, within Twelve Calendar Months after the Completion of said Buildings or Improvements, or, in case of incomplete Buildings or Improvements, within Twelve Calendar Months after the Death or Avoidance of such Ecclesiastical Person, and not later, unless on good and sufficient Reasons appearing to the contrary, and stated in the Commission herein-after mentioned, grant a Commission to Three or more Persons, One of whom shall be a competent Architect, to view and examine such Buildings or Improvements so erected or made as aforesaid, or left incomplete by reason of the Death or Avoidance of such Ecclesiastical Person, and to administer or cause to be administered to the said Commissioners an Oath to return a true and faithful Account and Estimate of the Value of the said Buildings or Improvements so erected or made, and also of the clear yearly Income of the See, Benefice, or Preferment of such Ecclesiastical Person, to be estimated in manner herein-after mentioned, and to report whether the said Buildings or Improvements is or are in conformity with the Terms of the Memorial presented and approved of in that Behalf, and in what respect, if any, the said House, Building, or Improvement varies therefrom, and whether or not the said House, Building, or Improvement is or are of a substantial and suitable Character, and fit and convenient for the Residence of such Ecclesiastical Person and his Successors, to the best of their Skill and Knowledge; and it shall be lawful for any One or more Person or Persons, being a Justice or Justices of the Peace for the County in which such Residence is situate, to administer such Oath to said Commissioners, which Oath shall be administered accordingly; and in case any Ecclesiastical Person shall, in pursuance of any such Memorial and Approval as aforesaid,

Power to administer Oath to Commissioners to return true Account, &c.

aforesaid, have commenced any of such Buildings or Improvements, but shall have died or otherwise avoided his See, Benefice, or Preferment before he shall have completed the same, the Person or Persons granting such Commission shall insert a Clause therein authorizing the said Commissioners to return a just and faithful Account and Estimate of what Sum or Sums of Money shall be necessary to expend in completing such Buildings or Improvements agreeably to such Memorial, so as to render the same fit and convenient for the Residence of the Successors of such Ecclesiastical Person, according to the best of their Skill and Knowledge, and to administer or cause to be administered to such Commissioners an Oath to the Effect last aforesaid in manner aforesaid; and it shall be lawful for the Person or Persons granting such Commission to appoint, if he or they shall so think fit, a competent Builder or Tradesman to make a Survey and Valuation of the said Buildings or Improvements at or previous to the said Inquiry, and to attend and assist the said Commissioners by his Evidence or otherwise, and for the said Person or Persons to direct and determine finally such reasonable Remuneration for such the Services of the said Builder or Tradesman, to be paid by the Person or Persons requiring the said Commission, as to the Person or Persons granting same shall seem fit; and the said Commissioners shall have Power to examine Witnesses on Oath upon any Article of Account given in and alleged to have been expended on the Buildings or Improvements aforesaid, and upon all other Matters connected with the Subject of the said Inquiry, with a view to their forming a correct Estimate of the Value of the said Buildings or Improvements, and the Sum necessary for their Completion; and the said Commissioners shall diligently inquire into and truly report in Writing upon the several Matters directed by the said Commission to be inquired into.

Power to grant Commission to make a Survey and Valuation of Buildings, &c. previous to the said Inquiry.

IV. That upon the Return of any such Commission as aforesaid it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, in the Case of an Archbishop, and for the Archbishop of the Province in the Case of a Bishop, and for the Bishop of the Diocese in all other Cases, or for the Vicar General or Commissary of the Diocese in case of the Absence from Ireland or Illness of any Archbishop or Bishop, to hear and determine such Objections as may be had and taken to the said Report, and to confirm, alter, or amend the same, and to grant a Certificate in Writing under his or their Hand or Hands and Seal or Seals, finally ascertaining and declaring the clear yearly Income of the said See, Benefice, or Preferment, and the Sum really and truly expended and laid out on such Buildings or Improvements, and the Amount which of right ought

Upon Return of Commission Lord Lieutenant, &c. empowered to hear and determine Objections as may be taken to Report.

ought to be chargeable on the See, Benefice, or other Ecclesiastical Preferment in respect of any such Buildings or Improvements made and completed in conformity with such Memorial presented and approved of as aforesaid, and not otherwise, unless on good and sufficient Reason to the contrary, to be stated in Writing on said Certificate, being the full Amount of the Sums of Money really and truly and properly expended on same; but in case any such Ecclesiastical Person shall so as aforesaid have died, or otherwise avoided his See, Benefice, or Preferment, before he shall have completed such Buildings or Improvements pursuant to such Memorial approved of as aforesaid, the said Lord Lieutenant, Archbishop, Bishop of the Diocese, or Vicar General or Commissary, as the Case may be, shall ascertain and determine finally what Sum of Money will be requisite and necessary to be expended in completing the said Buildings or Improvements, and shall deduct the same out of the Sum which the said Ecclesiastical Person or his personal Representative would have been entitled to receive from his Successor by virtue of the Certificate aforesaid in case he had completed the same, and shall grant a Certificate in Writing finally ascertaining and declaring the Sum of Money of right chargeable in respect of same on the said See, Benefice, or Preferment, being the Amount of the Difference between the said Sum to which the said Ecclesiastical Person would have been entitled if he had completed the said Buildings or Improvements, and the Sums necessary to complete the same; and in case the said Buildings or Improvements so left incomplete as aforesaid shall have been afterwards completed by any Successor, in pursuance of said original Memorial, or of any Memorial to be presented by him to and approved of by the Person or Persons hereby authorized to entertain Memorials as aforesaid, it shall be lawful for such Person or Persons to grant to the Ecclesiastical Person who shall have completed the said Buildings or Improvements pursuant to the said Memorial, so as to render the same fit and convenient for the Residence of such Ecclesiastical Person and his Successors, a Certificate ascertaining and declaring the Sum of Money by him expended in completing the said Buildings or Improvements in manner aforesaid, and the Sum of Money which of right ought to be chargeable on the said See, Benefice, or Preferment in respect of the same, in addition to the Sum paid or payable by virtue of any Certificate or Certificates theretofore granted, as if he had been the original Builder or Improver of the same: Provided always, that no Certificate shall be given in respect of any House or Buildings to be erected as aforesaid, unless the same shall be made of Stone and Lime, or Brick and Lime, and timbered in the Roof and in the Floors of such Building or Dwelling House, except the Basement Story, with Oak, Larch, or Fir Timber, (Bog Oak, and Fir if of Home Growth, and American Deal Timber,

 excepted,)

excepted,) and covered with Slates, Tiles, or with Lead, and leaded in the Gutters and Valleys, and be reported by the Commissioners as aforesaid as built in a substantial and permanent Manner, and as suitable for the Residence of such Ecclesiastical Person and his Successors: Provided also, that no greater Amount shall in any Case be made or become chargeable at any One Time, by virtue of any One or more Certificate or Certificates, in respect of any House, Outhouse, Garden, or other Improvement merely, upon any See, Benefice, or Ecclesiastical Preferment, or Union of Sees, Benefices, or Preferments, than Two Years clear Value or net Income of said See, Benefice, or Preferment, or Union, as aforesaid, to be estimated as herein-after provided and certified as aforesaid; and every such Certificate granted in any of the Cases aforesaid shall, subject to the Power of Appeal herein-after provided, be final and conclusive to all Intents and Purposes whatsoever upon the Propriety and Amount of the said Charge, and every other Matter thereby, pursuant to the Powers aforesaid, adjudicated upon.

No greater Amount shall be made chargeable at One Time than Two Years Income.

Certificate, subject to Power of Appeal, to be final.

Estimate of Income of See or Benefice.

V. That the clear yearly net Income to be mentioned in every such Certificate as aforesaid shall be estimated in respect of the particular See, Benefice, or other Ecclesiastical Preferment only on which such Building or Improvement is purchased or made, and no other, unless the same shall be then permanently united, appropriated, or annexed, by Patent or otherwise, to or with some other See, Benefice, or Ecclesiastical Dignity or Preferment, in which Case said Certificate shall contain a true Statement of the clear yearly net Income of the said several united or consolidated Sees, Benefices, Dignities, or Preferments holden by such Ecclesiastical Person at the Time of making such Purchase, Building, or Improvement, and shall be calculated so as to deduct therefrom the permanent and annual Deductions herein-before mentioned, and payable thereout or affecting same.

Amount certified to be a Charge on the Ecclesiastical Emoluments of the See, &c.

VI. That the Amount so certified as aforesaid by such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or by such Archbishop, Bishop, or Vicar General or Commissary, shall from the Date of such Certificate be deemed and taken to be a Charge or Incumbrance on the Ecclesiastical Emoluments or Profits of the See, Benefice, or Preferment holden by such Ecclesiastical Person making or completing such Purchase, Building, or Improvement, at the Time of his making or completing the same; and after Provision made for all proper and necessary Outgoings and Charges in respect of the said See, Benefice, or Preferment, including a competent Provision for the Person or Persons discharging the actual Cure of Souls in the said See, Benefice, or Preferment, such Charge,

Charge, and every Sequestration issued in respect thereof in manner herein-after mentioned, shall be paramount to all other Charges and Incumbrances and Sequestrations whatsoever, and shall be payable in preference thereto, excepting only Sequestrations issued in pursuance of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland; and such Charge, on the Death of any Ecclesiastical Person liable to the Payment thereof, shall be deemed and taken to be and shall rank as a Judgment Debt of such deceased Ecclesiastical Person, and be paid as such, as if a Judgment had been duly acknowledged by or entered against him during his Lifetime by the Person or Persons then entitled to the Charge, for the Amount of the said then existing Charge, and immediately after all the *bonâ fide* Judgments, Crown Bonds, and Recognizances entered up, acknowledged, or executed by him during his Lifetime. 3 & 4 W. 4. c. 37.

Registry of Certificate.

VII. That such Certificate of Charge granted as aforesaid shall, within Six Months from the granting of the same, be entered of Record in the public Registry of the Diocese to which the same relates, and in default thereof the said Charge shall not, nor shall any Sequestration issued thereon, be entitled to any Preference or Priority by virtue of this Act, nor shall the said Certificate, until registered, have any Effect or Operation whatsoever to charge said See, Benefice, or Preferment; and the Exemplification of such Certificate, so registered, under the Hand and Seal of the Archbishop or Bishop of the Diocese, shall be as good and effectual in the Law to all Intents and Purposes, at any Trial or other Proceeding at Law or in Equity, as if the Original of the same had been produced; and that any Person shall, upon Demand, and Payment of a Sum not exceeding Twopence for each Seventy-two Words thereof, be entitled to have from the Registrar of said Diocese a certified Copy of every such registered Memorial and Certificate of Charge in respect of any See, Benefice, or Preferment, and shall be entitled, upon Demand, and Payment of a Fee not exceeding Five Shillings to a Memorandum of Search in respect of such registered Certificate and Memorial, certified by the Registrar to set forth correctly the Date and material Contents of all such Certificates and Memorials as shall have been registered theretofore.

And with respect to the Apportionment of the said Charges as between the Ecclesiastical Person obtaining such Certificate and his Successors, and the Time and Manner of recovering the same, be it enacted as follows:

Charge to be subject to progressive

VIII. That every such Charge in respect of any Building or Improvement made as aforesaid shall be subject to a fixed annual Decline

Diminution in respect of Lapse of Time.

Decline or Reduction in respect of Lapse of Time by a Sum equal to and at the Rate of Two Pounds Ten Shillings for every Hundred Pounds of the Amount originally charged by the said Certificate for every Year and proportional Part of a Year that shall elapse while such Ecclesiastical Person claiming by himself or his Representatives to be entitled to the Benefit of the same shall have been entitled to the Rents, Issues, and Profits of the See, Benefice, or Ecclesiastical Preferment upon which the same is made chargeable, until the entire Amount thereof shall have been thereby extinguished: Provided always, that in respect of the Ecclesiastical Person who shall have obtained the said Certificate, and his Representatives, such Charge shall not be subject to any such Reduction in respect of Lapse of Time, until, in the Case of any Purchase or building of a new House or Offices, after the Expiration of the full Term of Five Years, and in all other Cases until after the Expiration of Three Years from the Date of the Approval of the Person or Persons hereby authorized thereto to the Memorial presented by or on behalf of the said Ecclesiastical Person, or such Part of the said aforesaid Term as such Ecclesiastical Person shall continue to hold the said See, Benefice, or Preferment, and in every such Case the said Charge shall begin to decline from and after the Expiration of the said Term of Years commencing from the Date of the said Approval, or from the Death or Avoidance of such Ecclesiastical Person (whichever shall first take place), and not sooner.

Saving in favour of the Person building.

Charge payable in respect of complete Buildings.

IX. That every such Ecclesiastical Person, or his personal Representative, having obtained a Certificate of Charge as aforesaid, shall have, receive, and recover from his next Successor or his Representative the full Amount stated and certified in such Certificate as of right chargeable on the said See, Benefice, or Preferment, reduced by said Deduction in respect of Lapse of Time (if any), or such Instalments and proportional Part of any Instalment thereof as shall accrue due while such Successor has been entitled to the Profits and Emoluments of the said See, Benefice, or Preferment, and such next Successor, or his Representatives, having paid the Amount charged by the said Certificate, reduced as aforesaid, or such Instalments or proportional Part of any such Instalment, shall have, receive, and recover from his next Successor or his Representatives the Amount actually paid to the Predecessor or his Representatives, subject to the like Reduction in respect of Lapse of Time; and such last-mentioned and every subsequent Successor, and his and their Representatives, shall be in like Manner entitled to have, receive, and recover from his or their next Successors, or his or their Representatives, the Sum or Sums which he or they shall have respectively paid to his or their Predecessor or Predecessors, or

or his or their Representative, subject in all Cases to a like Reduction in respect of Lapse of Time, until the entire Amount of the said original Charge shall have been thereby paid off or extinguished.

X. That the several Sums made chargeable and payable by virtue of any such Certificate as aforesaid, reduced by such Deductions (if any) as aforesaid, shall be paid by each Successor chargeable therewith respectively, or his Representatives, to the Person entitled to receive the same, in all Cases by Four equal Instalments, the first thereof to become payable at the End or Expiration of One Year from the Death or Removal of the Predecessor entitled to such Charge, and the other Three Instalments at successive Intervals of Six Months therefrom; and the same, and every proportional Part thereof made payable by this Act, may, after the Intervals aforesaid, be recovered by the Ecclesiastical Person entitled to recover the same, or his Representatives, either by Distress on any of the Lands or Tenements of the See, Benefice, or Preferment belonging to the Successor hereby required to pay the same, or by Sequestration of the Profits and Emoluments of the said See, Benefice, or Preferment, after due Provision made for such Person or Persons as shall discharge the actual Cure of Souls in the said See, Benefice, or Preferment, (which Sequestration is to be made and granted by the Person or Persons for the Time being empowered to grant such Certificate of Charge as herein-before mentioned, or in case such See, Benefice, or Preferment is already under Sequestration at the Time that any such Charge or Instalment thereof shall become due, it shall be lawful for the Person so authorized to issue a Sequestration as aforesaid instead thereof to make an Order on the Sequestrator to pay such Instalment or Charge so due or to accrue due, without issuing any further or other Sequestration for that Purpose,) or by Action of Debt or Assumpsit in any of Her Majesty's Superior Courts of Law in *Ireland* against such Successor or his Representatives; and in any such Action or Suit it shall be a sufficient Statement of the Cause of Action in the Declaration to declare for the Amount of such Instalment of the said Charge, or such proportional Part thereof, as due by the Defendant to the Plaintiff, according to the Form, as nearly as may be, of the usual common indebitatus Counts in Assumpsit or in Debt.

Time and Manner of recovering Charge.

By Distress, Sequestration, or Action.

And with respect to the Persons who shall in certain Cases be deemed Successors, be it enacted as follows:

XI. Where any such Successor as aforesaid shall die, or otherwise avoid such See, Benefice, or Preferment, before the entire Amount of the said Instalments, or any of them, in respect of the said Charge, shall have become payable, such Successor and his Representatives shall in such Case be liable only to the Payment of such Instalments

Successor dying or avoiding before entire Charge payable.

as have actually accrued due during his Incumbency, and for such a Part of the Instalment then running due as shall be proportioned to the Time that shall have elapsed from the Date of the Avoidance of the Predecessor, or from the Accrual of the preceding Instalment to the Day of the Death or Avoidance of such Successor; and the Residue of the said running Instalment, or such Part thereof as shall be proportioned to the Period of his Incumbency, shall be paid and payable by the next Successor, who shall in such Case, and to the Extent of the Instalments afterwards to accrue, and the Balance of any running Instalment, be deemed and taken to be the Successor for all the Purposes of this Act.

Successor proving insolvent, Charge recoverable from next Successor.

XII. That in case any such Ecclesiastical Person or his Representatives as aforesaid entitled to any such original or reduced Charge shall, by reason of the Insolvency of any such Successor, or of his Estate, after having, to the Satisfaction of the Person or Persons empowered to entertain Memorials in that Behalf, with all due Expedition proceeded to enforce Payment of said Charge, or Instalments or proportional Part thereof, have failed to recover the Amount of the said Charge, or such Instalment or proportional Part thereof, as against such Successor or his Representative, it shall be lawful for the said Ecclesiastical Person or his Representatives, by and with the Consent of such Person or Persons empowered as aforesaid first had under his or their Hand and official Seal, such Consent not being given until after due Notice to the Person to be made liable in respect thereof, who, if he shall so desire it, shall be heard in opposition thereto, to demand and recover the Amount of the said Charge, Instalment or proportional Part thereof, or the Residue thereof then remaining due and unpaid, from the next Successor of such insolvent Successor, who shall, to the Extent of such Charge so remaining due, be deemed and taken to be the next Successor of the Ecclesiastical Person entitled to the said Charge; and it shall be lawful for such last-mentioned Successor to deduct and retain from such Ecclesiastical Person so in default, or his Representatives, any Proportion of the Profits and Emoluments of the said See, Benefice, or Preferment to which the said Ecclesiastical Person might have been entitled, to the Extent of the said annual Reduction of Two Pounds Ten Shillings *per Annum* on each One hundred Pounds of the said original Charge which the Estate of the said insolvent Successor should have borne if the said Charge or Instalment had been duly paid.

Successor in case of Union of Sees or Benefices.

XIII. That in case any such See, Benefice, or other Ecclesiastical Preferment upon which there shall be a subsisting Charge by virtue of any such Certificate as aforesaid shall thereafter become lawfully and permanently united, by Patent or otherwise, with any other See, Benefice,

Benefice, or Preferment, or Portion of any See, Benefice, or Preferment, the Ecclesiastical Person for the Time being holding such united Sees, Benefices, or Preferments shall be deemed and taken to be the Successor of the Ecclesiastical Person entitled to the Charge, to all Intents and Purposes of this Act; and the Sum then remaining due and payable in respect of any such Certificate shall be and continue a Charge on the said See, Benefice, or Preferment theretofore liable thereto, in like Manner, and shall be payable by the like Instalments, and in the same Priority, as if the said Union had not taken place.

Successor in case of Division or Disappropriation of Benefices.

XIV. That in case any Parish or other Ecclesiastical Preferment shall be lawfully divided, or any Parish or Parishes, or Ecclesiastical Preferment or Preferments, or Part or Parts thereof, theretofore united or appropriated to any See, Dignity, or Benefice, or other Ecclesiastical Preferment, shall be separated or disappropriated therefrom, whereon any such Charge as aforesaid shall be subsisting at the Time of said Division or Separation or Disappropriation, the Incumbent or other Ecclesiastical Person for the Time being entitled to the Rents, Issues, and Profits of the Part of the said divided, disunited, or disappropriate Parish, Dignity, or Preferment, or Part of a Parish or Preferment, on which the said Building or Improvement shall have been made, shall be deemed and taken to be exclusively the Successor of the Ecclesiastical Person entitled to the Charge, to all Intents and Purposes of this Act, notwithstanding that the Amount of the then existing Charge shall exceed Two Years Income of the said Parish or Preferment, or Part of a Parish or Preferment: Provided always, that the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland*, upon any such Division or Separation or Disappropriation of any such Parish or Parishes or Ecclesiastical Preferment, or Parts of any Parish or Preferment, upon which any such Charge shall be then subsisting, shall have regard to such Charge, with a view to its Apportionment; and it shall and may be lawful for them to apportion any such Charge as they shall think just and reasonable upon the several Parishes or Preferments, or Parts of Parishes or Preferments, theretofore united; and the respective Incumbents of the said divided Parishes or Parts of Parishes, and their respective Successors therein, shall in respect of such apportioned Parts of the said Charge be deemed and taken to be respectively the Successors of the Ecclesiastical Persons entitled to said Charge, to all Intents and Purposes of this Act.

Apportionment by Lord Lieutenant and Council.

Successor paying only Part of Charge may

XV. That where any Ecclesiastical Person chargeable with the Amount of such original or reduced Charge as aforesaid, or all or any of the Instalments thereof, or proportionate Part thereof, shall have paid

recover same against his Successor.

paid but a Part thereof to the Ecclesiastical Person entitled to the same, or his Representative, such Person or his Representative making such partial Payment as aforesaid shall be entitled to have, receive, and recover from the next Successor or his Representatives so much of the said Charge as he or they shall have actually paid, reduced by said Deduction in respect of Lapse of Time as aforesaid, but subject to the Priority of the Demand of the Ecclesiastical Person or his Representatives entitled to the Residue of the said then existing Charge, which shall be paramount, and paid in preference thereto, to be recoverable by any of the Means aforesaid: Provided always, that no Successor liable to the Payment of the said divided Charge, or his Representatives, shall in any Case whatever be liable for any greater Sum in the aggregate than the Amount of the said original Charge, reduced by Deduction in respect of Lapse of Time accrued at the Death or Avoidance of his next immediate Predecessor.

And with respect to the compulsory building of Glebe Houses in certain Cases, be it enacted as follows:

Ordinary may direct Residence to be built.

XVI. That every Archdeacon, Dean, Dignitary, Prebendary, Rector, Vicar, Perpetual or Impropriate Curate, having actual Cure of Souls, and admitted into any One or more Benefice or Benefices or other Ecclesiastical Preferments, which, either singly or jointly, produce a clear yearly Income of One hundred Pounds or upwards, and having no House of Residence thereon fit and convenient for the Residence of said Ecclesiastical Person and his Successors, but having upon any One of said Benefices or Preferments, or being for that Purpose lawfully endowed with, such Portion of Glebe or Mensal Lands within or adjacent to the said Benefice or Preferment as the Archbishop or Bishop of the Diocese shall judge fit and convenient for building thereon, shall, after he shall have been Three Years in possession of the said Benefice or Benefices or other Ecclesiastical Preferments, and within a Time certain, to be limited and appointed by the Archbishop or Bishop of the Diocese, build and improve upon such Glebe or Mensal Lands by erecting a suitable Dwelling House and Offices in conformity with a Memorial to be presented and approved of in manner aforesaid; and in case any such Ecclesiastical Person shall neglect or refuse to make such Building and Improvements within the Time so limited as aforesaid, it shall be lawful for the Archbishop or Bishop of the Diocese to sequester a Moiety of the Profits of such Benefice or Benefices or Preferments until a Sum not exceeding Two Years Income of such Benefice or Benefices or Preferments shall be received, to be laid out and expended in making said Improvements on the said Glebe or Mensal Lands as aforesaid, though

though such Ecclesiastical Person shall decline or omit to present a Memorial as aforesaid; and the said Ecclesiastical Person or his Representatives shall, upon the Completion of the said Buildings or Improvements during the Period of his Incumbency, or, in case of the same being left incomplete by reason of his Death or Avoidance, immediately thereafter, be entitled to demand and have a Certificate of Charge in respect of the said Building or Improvements completed or left incomplete, for the like Amount, and of the like Nature and Effect in all respects, as if such Ecclesiastical Person had himself voluntarily undertaken such Buildings or Improvements; and in case the Incumbency of the said Ecclesiastical Person so declining shall determine before the said Buildings or Improvements shall have been commenced, or before the required Amount shall have been levied (in which latter Case it shall be lawful for the Bishop of the Diocese to require and enforce in like Manner the Contribution of the Balance necessary to complete the said Sum from the Successor or Successors of said Ecclesiastical Person), the Incumbent so avoiding, or his Representative, shall be entitled to a Certificate of Charge for the Amount actually levied during the Incumbency, after deducting the Expense of levying same; and the Successor, having paid the same, and the Balance aforesaid, or any Part thereof, shall be entitled to a Certificate of Charge for the entire Amount so paid of the like Nature and Effect as if the Charge were obtained in respect of Buildings voluntarily undertaken.

Money levied to be expended under Directions of the Bishop.

XVII. That the Money so to be raised shall, after Payment of the Charges of levying same, be paid, either altogether or in Parcels, at the Discretion of the Bishop of the Diocese, into the Hands of such Person or Persons as shall be nominated and appointed by the said Bishop or Archbishop of the Diocese, by Writing under his Hand, to receive and apply the same for the Purpose of making such Buildings or Improvements, after such Nominee shall have given Security by Bond to the Bishop or Archbishop of the Diocese, with sufficient Surety, in double the Sum so raised, with Condition for his duly applying and accounting for the same according to the Provisions of this Act; and the Person or Persons so to be nominated shall enter into Contracts with proper Persons for such Buildings or Improvements as shall be approved of by the said Bishop or Archbishop, and shall be specified in a Memorial in Writing subscribed with the Hand of such Person or Persons so nominated as aforesaid, and countersigned with the Signature of the said Bishop or Archbishop approving of the same (a Copy of which Memorial shall be registered at large in the Registry of the Diocese, and shall for this Purpose be in the Room and Stead of a Memorial presented by the Ecclesiastical Person holding the said See, Benefice, or Preferment); and the said

said Person or Persons so nominated shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Buildings or Improvements according to the Terms of the said Agreement, and shall take proper Receipts and Vouchers for the same; and as soon as the said Buildings or Improvements shall be completed, and the Money paid for the same, such Person so nominated as aforesaid shall make out an Account of his Receipts and Payments, together with the Vouchers for the same, and enter them in a Book, fairly written, which shall be signed by him, and laid before the Bishop or Archbishop of the Diocese, and examined by him; and, when allowed by Writing under the Hand of such Bishop or Archbishop, such Allowance shall be a full Discharge to the Person so nominated in respect of the said Accounts and the Expenditure of the said Monies; and if any Balance shall remain in the Hands of such Nominee the same shall be returned to the Ecclesiastical Person whose Benefice or Preferment was put under Sequestration as aforesaid, or his Representatives, and shall be considered in estimating the Amount payable under any such Certificate of Charge.

And with respect to the building and improving of Ecclesiastical Residences by means of Money raised on Mortgage, be it enacted as follows:

Inquiry and Report of Building and Improvements necessary.

XVIII. That if by reason of the Inability of any Ecclesiastical Person having no sufficient House of Residence, or having a Residence requiring substantial and permanent Improvement, to advance the necessary Sums of Money for building or improving such House of Residence on his See, Benefice, or Preferment, or for any other sufficient Reason, it shall appear proper and expedient so to do, it shall be lawful for the Person or Persons hereby empowered in that Behalf to grant a Certificate of Charge in respect of the building or improving of any such Residence to grant a Commission to Two or more fit and proper Persons, One of whom shall be an Architect, directing them to inquire whether there is a fit House of Residence within the said See, Benefice, or Preferment, and what are the net annual Profits of the same, and whether a fit House of Residence can be provided on the Demesne, Mensal, or Glebe Lands belonging to the said See, Benefice, or Preferment, or to view and examine the existing Buildings or Improvements, and inquire and report whether the same are in need of any and what permanent or substantial Repairs, Additions, Alterations, or Improvements; and such Commissioners shall be sworn truly and faithfully to inquire and report upon the Matters so referred to them, in the same Manner, and shall have the like Powers and Authorities to examine Witnesses, as the Commis-

Commissioners of Valuation of Buildings pursuant to Memorial, and shall, if necessary, have the Assistance of One or more Builders or Tradesmen, to be nominated by the Person or Persons issuing the said Commission, and shall annex to their Report a Certificate of the actual State and Condition of the Buildings, if any, and of the Value of the Timber and other Materials, if any, thereupon, fit to be employed in building or repairing the said House of Residence, or to be sold, and a Plan or Estimate of the Work fit and proper to be done for building or improving such House of Residence, with all necessary and convenient Offices, to be signed by such Builder or Tradesman; and thereupon such Person or Persons receiving said Report shall cause to be transmitted to the Ecclesiastical Person holding such See, Benefice, or Preferment a Copy of the said Report, Estimate, and Plan, and shall hear and determine such Objections as may be had, preferred, and taken to the said Report or any Part thereof, in Writing, within Two Calendar Months from the Transmission of the said Report, and shall confirm, alter, or amend the same as he or they shall think fit; and thereupon such Report, so amended or confirmed, shall be entered at large in the Registry of the Diocese.

Estimated Expense to be raised on Mortgage.

XIX. That it shall be lawful for such Person or Persons empowered to entertain Memorials as aforesaid, upon the Confirmation of any such Report recommending that any such Building or Improvements shall be made, by Mortgage of the Demesne, Mensal, or Glebe Lands, Tithes, Rents, and other Profits and Emoluments arising from such See, Benefice, or Preferment, to raise such Sum as the said Estimate may amount to (together with the Costs of such Commission of Inquiry and Report), after deducting the Value of any Timber or other Materials which may be thought proper to be sold, such Sum not exceeding in the whole Two Years net Income of such See, Benefice, or Preferment, to be calculated in manner aforesaid; which said Mortgage shall be made to the Person or Persons advancing the Money so to be raised for the Term of Thirty-five Years, or until the Principal Money, with Interest for the same, and the Costs of recovering the same, shall be paid and satisfied in manner herein-after mentioned, and shall be by Deed or Deeds in the Form or to the Effect in that Behalf contained in the Schedule to this Act annexed, and shall be effectual to bind such Ecclesiastical Person and his Successors until said Principal Money, Interest, and Costs shall be fully paid and satisfied; and such Mortgagee shall execute a Counterpart of such Mortgage, to be kept by the Ecclesiastical Person holding such See, Benefice, or Preferment for the Time being, and a Copy thereof shall be registered in the Registry of the Diocese.

XX. That

As to the Repayment of Amount of Mortgage and Interest.

XX. That every Ecclesiastical Person entitled to the Profits and Emoluments of such See, Benefice, or Preferment charged with any such Mortgage as aforesaid, and his Successors for the Time being, and his and their personal Representatives respectively, shall be liable to, and shall, from and after the Expiration of the First Year of the said Term of Thirty-five Years (in which Year no Part of the Principal Sum borrowed shall be repayable), yearly and every Year, such Year to be computed from the Date of the said Mortgage, pay to the Mortgagee, his Executors, Administrators, or Assigns, One Thirtieth Part of the Principal Sum, until the whole thereof shall be repaid, and shall at the End of the First and every succeeding Year pay the yearly Interest on the Principal Sum, or so much thereof as shall from Time to Time remain unpaid; and in case of the Avoidance of any such See, Benefice, or Preferment, by Death or otherwise, the Sum payable at the End of any Year in which the said Avoidance shall occur shall be apportioned between the Successor and the Ecclesiastical Person avoiding such See, Benefice, or Preferment, in such Proportion as the Profits of such See, Benefice, or Preferment shall have been received by him for the Year in which such Death or Avoidance shall have happened; and in case such Successor and the Ecclesiastical Person so avoiding, or his Representative, cannot agree in adjusting such Proportion, the same shall be finally determined by the Person or Persons empowered to entertain Memorials as aforesaid; and such Principal, Interest, and Costs, and such proportional Part of the same, may be recovered by such Mortgagee, his Executors or Administrators, by Action of Debt in any of the Superior Courts of Law, or in case the same shall be in arrear and unpaid for the Space of Forty Days after the same shall become due, by Distress and Sale, in such Manner as Rents may be recovered by Landlords or Lessors from their Tenants by the Laws in being; and in such last-mentioned Case it shall be lawful for the Person or Persons empowered to borrow the said Money on Mortgage as aforesaid to sequester the Profits of such See, Benefice, or Preferment till such Payment shall be made.

As to the Expenditure of the Money in building or improving.

XXI. That the Money so to be raised by Mortgage as aforesaid shall, after Payment of the Costs of the said Commission of Inquiry and Report, be paid, altogether or in Parcels, at the Discretion of the Person or Persons empowered to borrow the same, into the Hands of such Person or Persons as shall be nominated and appointed by him or them, by Writing under his or their Hands; and so much thereof as shall be necessary shall be applied and dealt with in the Manner prescribed in respect of building of Glebe Houses, under Directions of the Ordinary in default of the Ecclesiastical Person directed to build, or as nearly thereto as the Circumstances will admit; and the Balance

Balance remaining, if any, shall be applied in part Discharge of the Principal Money secured by the said Mortgage, at the Discretion of the Person or Persons borrowing same.

Power to contract for the Purchase of suitable Glebe Houses.

XXII. That it shall be lawful for the Bishop of any Diocese, in any Case in which a House of Residence shall be necessary to be provided for the Rector, Vicar, or other Incumbent of any Benefice, Parochial or District Chapelry, or Perpetual Curacy, having actual Cure of Souls, and cannot be conveniently erected on the Glebe of such Benefice, Chapelry, or Curacy, or in case there shall be no Glebe appertaining thereto, to contract for the absolute Purchase of any House or Buildings, with or without a suitable Portion of Land, conveniently situate for the Residence of such Rector, Vicar, Chaplain, or Curate, or to contract for any Land upon which a House of Residence can be conveniently built, and for the Erection of the said House of Residence thereon, and to raise the Purchase Money thereof, and the necessary Expenses of erecting the same, by Mortgage of the Glebe, Rent-charge, and Emoluments of such Benefice, Chapelry, or Curacy, in the same Manner in all respects as is provided with respect to Mortgages herein-before authorized; and the Principal Money, Interest, and Costs secured by the said Mortgage shall be repayable by the Rector, Vicar, or other Incumbent for the Time being, and his Successors, and recoverable against him and his personal Representatives, in the like Manner and to the same Extent as is herein-before provided in respect to the aforesaid Mortgages: Provided always, that no greater Sum shall be charged upon any such Benefice, Chapelry, or Curacy, under the Authority of the foregoing Provision, than Two Years net Income of such Benefice, Chapelry, or Curacy, after deducting all necessary Outgoings and Charges thereon in manner aforesaid.

And with respect to the providing by way of Endowment of Glebe Lands and Houses by well-disposed Persons desirous to promote the Residence of a Minister to officiate in any Church, Parochial Chapelry, or Perpetual Curacy, be it enacted as follows:

As to Endowment of Glebe Lands or Houses by Deed or Will.

XXIII. That it shall be lawful for any Person, Body Politic or Corporate, having in his own Right, or in right of their Corporate Body, an Estate in Fee Simple, Fee Tail, or Fee Farm, in possession, reversion, or contingency, in Lands, Tenements, or Hereditaments, and having legal Capacity to dispose of the same, whether in his or their own Behalf, or in pursuance of any Trust theretofore created, by any Deed duly executed under his Hand and Seal, and in the Case of Her Majesty and Her Successors by Deed under the Great Seal of *Ireland*, and in the Case of a Corporation aggregate by Deed under the

the Corporate Seal, such Deed to be registered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, within Six Months after the Execution thereof, or in case of a private Person by last Will and Testament in Writing duly executed at the least Three Calendar Months before the Death of the said Testator, and duly registered in the Registry of the Diocese within Six Months after his Decease, without any Licence of Alienation or in Mortmain, and without any Deed disentailing or destroying any Estate Tail, to grant or to devise to the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy having no House of Residence or Glebe Lands, or an insufficient or inconvenient House of Residence or Quantity of Glebe Land belonging thereto, and his Successors, or to any Person or Persons or Corporation, in trust for the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy, then or thereafter, and within the Time herein-after provided, erected and constituted by lawful Authority in any Parish or District, any House, Outhouse, Yard, Garden, Orchard, Easement, Lands, or Tenements, as a House of Residence or Conveniency or as Glebe Lands for such Church, Chapelry, or Curacy, whether lying within the local Limits of such Benefice, Chapelry, or Curacy, or not; provided that the same be deemed by the Bishop of the Diocese suitable and conveniently situate for the actual Residence and Occupation or Enjoyment of the Incumbent, Chaplain, or Curate thereof, and his Successors; and provided also, that such Lands, together with the former Glebe of such existing Church, Chapelry, or Curacy, shall not exceed Forty Acres at the most, and that such Grant or Devise shall be null and void as to the Excess thereof, but shall be valid and effectual as to the Residue; and such House, Outhouse, Yard, Garden, Orchard, Easement, Lands, or Tenements shall, from and after such Grant or Devise thereof, registered and enrolled as aforesaid, and the Death of any such Testator, for ever be deemed and taken to be the Glebe House, Outhouse, Office, Yard, Garden, Orchard, Easement, and Glebe Land of such Church, Chapelry, or Curacy, to all Intents and Purposes, and shall be vested in the Incumbent, Chaplain, or Curate thereof, and his Successors for ever, or in case of there being no such Incumbent, Chaplain, or Curate at the Date of such Grant, or the Death of such Testator, or afterwards, the same shall be vested in the Bishop of the said Diocese, and his Successors, or in such Trustee or Trustees as shall be nominated by such Benefactor, and the Survivor of them, and the Heirs of such Survivor, in trust for and unto and to the Use of such Incumbent, Chaplain, or Curate as shall be thereafter duly nominated and appointed thereto, until there shall be such Incumbent, Chaplain, or Curate there established, and until such Incumbent, Chaplain, or Curate,

Curate, and his Successors, shall be constituted a Corporation sole capable of perpetual Succession, and then and from thenceforth to the sole Use of such Incumbent, Chaplain, or Curate, and his Successors for ever.

As to Endowment of Purchase Money to build Glebe House.

XXIV. That it shall be lawful for any Person or Persons, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by any Deed duly executed under his Hand and Seal, or by last Will and Testament to be executed at the least Three Calendar Months before his Decease, such Deed or Will to be registered and enrolled in manner aforesaid, to give or bequeath any Sum of Money not exceeding Five hundred Pounds to the Bishop or Archbishop of any Diocese, or to any Person or Persons or Body Corporate, towards or in trust for the Erection or Purchase of a House of Residence, and together with or without a convenient Portion of Land thereunto annexed, for the Incumbent, Chaplain, or Curate of any Church, Parochial or District Chapelry, or Perpetual Curacy, then or thereafter, and within the Time herein-after provided, to be erected and constituted by lawful Authority, and not having a suitable Residence thereunto belonging, and his Successors for ever, or for any Improvements thereon, to be for such Purposes applied according to the Will and Desire of such Benefactor by said Deed or Will expressed, with the Consent and Approbation of the Ordinary of the Diocese, and, in default of such Direction, in such Manner as shall be directed and approved by the Bishop with the Consent of the Incumbent, Chaplain, or Curate, in case there be any such then existing; and thereupon such Buildings or Improvements shall be made or purchased accordingly, as soon as same conveniently may be after the Execution of the said Deed or the Death of such Testator, by the Person or Persons nominated by the said Benefactor, with the Consent of the Ordinary of the Diocese as aforesaid, or by the Ordinary of the Diocese, with the Consent of the Incumbent, Chaplain, or Curate aforesaid, in case there shall be such; and such Person or Persons or Body Corporate so nominated as aforesaid, and such Ordinary of the Diocese, shall have full Capacity and Ability to purchase, take, and enjoy, for the Purpose aforesaid, as well from such Benefactor as from all other Persons willing to sell or alien, any Lands, Tenements, Goods, or Chattels necessary for the Purpose aforesaid: Provided always, that if any such Grant or Bequest shall exceed the Amount herein-before mentioned the same shall be void as to the Excess only, and shall be valid and effectual as to the Residue.

As to Endowment of Lands not convenient to be exchanged

XXV. That it shall be lawful for any Archbishop, Bishop, Archdeacon, Dean, Dean and Chapter, Dignitary, or Prebendary, with such Consents as are herein-after mentioned, and for any Person or Persons

for suitable Glebe.

Persons being a Tenant in Fee Simple or Fee Tail or Fee Farm in possession, and for any Body Politic or Corporate having Lands or Tenements in Fee Simple or Fee Farm, and having legal Capacity to dispose of the same without any Licence of Alienation or in Mortmain, and without any Deed disentailing or destroying any such Estate Tail, to grant any such Lands or Tenements not exceeding Ten Acres for Glebe to any Church, Parochial Chapelry, or Perpetual Curacy, at whatever Distance the same may be therefrom, to the Intent that such Lands may be afterwards exchanged for other Lands lying near the Church, Chapelry, or Curacy, and more convenient for the Residence of the Incumbent, Chaplain, or Curate thereof: Provided always, that any such Grant by any Archbishop or Bishop shall be with the Consent of his Dean and Chapter respectively, or, where there is no Dean and Chapter, with the Consent of the Archdeacon and Six beneficed Clergymen of the Diocese; and any Grant by any Archdeacon, Dean, or Dean and Chapter, Dignitary, or Prebendary shall be with the Consent of the Archbishop or Bishop of the Diocese, such Consent to be signified in all Cases by a Certificate in Writing, attested by the Hand and Seal of such Ecclesiastical Person or the Corporate Seal of such Corporate Body.

As to Endowment in trust for Chapelry or Curacy to be void unless erected within reasonable Time.

XXVI. That every such Grant, Devise, or Bequest of any Lands or Tenements, Hereditaments, or Money, as and for or in trust for the Endowment of any Parochial Chapelry or Perpetual Curacy not then already erected and constituted by lawful Authority, shall, from and after the Expiration of Five Years from the Execution of such Deed or the Death of such Testator, at the Election of the Grantor or Donor, or his Representative, be null and void to all Intents and Purposes, unless such Parochial Chapelry or Perpetual Curacy shall have been in the meanwhile erected and constituted by lawful Authority; and every such Lands and Tenements granted to the Intent that same might be exchanged shall be absolutely null and void, unless an Exchange for other Lands lying nearer and more convenient be made and perfected within the Space of Two Years from the making of such Grant; and such Lands, Tenements, or Benefactions shall from thenceforth revert to and to the Use of the said Benefactor, his Heirs, Executors, or Administrators: Provided always, that it shall be lawful for the Bishop of the Diocese, by Certificate under his Hand and Seal, to be deposited in the Registry of the Diocese, a Counterpart thereof to be transmitted to the Lord Lieutenant of *Ireland*, for good and sufficient Reason appearing to the said Bishop, and stated in the said Certificate, to enlarge or vary the Time herein-before allowed, and such Allowance of the said Bishop shall be valid and effectual, unless the same shall be disallowed by the said Lord Lieutenant and Privy Council of *Ireland*.

And

And with respect to Dilapidations suffered or committed in or upon Ecclesiastical Residences, be it enacted as follows:

Power to issue Commission for inquiring into Dilapidations.

XXVII. That in case the Mansion House, Buildings, Offices, Gardens, Orchards, Fences, or other Improvements belonging to any See, Benefice, or Preferment shall have been suffered to fall into Decay for Want of proper annual and necessary Repairs, whether before or after the passing of this Act, and whether by the Neglect of the Ecclesiastical Person for the Time being holding such See, Benefice, or Preferment, or any of his Predecessors, it shall be lawful for the Person or Persons hereby empowered to entertain Memorials for building, upon Complaint of such Dilapidations by the Successor of any Ecclesiastical Person having died or otherwise avoided such See, Benefice, or Preferment, or, in default of such Complaint made within Three Calendar Months after the Nomination, Induction, Installation, or Enthronement of such Successor, on the Application of the Ecclesiastical Person so vacating as aforesaid, or his Representatives, or, in the Case of Dilapidations suffered by any Ecclesiastical Person then holding such See, Benefice, or Preferment, upon the Report in Writing of the Rural Dean, or good and sufficient Reasons appearing to such Person or Persons empowered as aforesaid, to issue a Commission to Three or more Persons, One of whom shall be a competent Architect, to be sworn to view and examine the said House of Residence, Buildings, or Improvements, and the said Demesne, Mensal, or Glebe Lands, and well and truly to report on the Matters referred to them by such Commission, in like Manner and with such Powers and Authorities as in the Case of Commissioners of Valuation of new Buildings herein-before mentioned; and the said Commissioners shall have full Power and lawful Authority to enter upon and examine the said Buildings or Improvements and the said Lands, and; with the Assistance of a Builder or Tradesman to be nominated by the Person or Persons issuing the said Commission, and of One other Builder or Tradesman to be nominated by the Ecclesiastical Person sought to be charged, or his Representatives, if he or they shall so think fit, who shall have full Power to enter and make a Survey and Examination of the said House or Offices at or previous to said Inquiry, to inquire and report the Nature and Extent of such Dilapidations or Waste, and the Sum of Money which they shall judge to be necessary for the effectual repairing of all such Defects as shall so have happened by means of such Dilapidations as aforesaid, and to restore the same to such staunch and habitable Order and Condition as that the same may be fit and proper for the Residence of the said Ecclesiastical Person and his Successors, and the Nature of such Repairs, and the Manner in which same should be executed, and whether immediately or at some future Time, and the probable Cost and Expense of effecting the said Repairs or

Improvements, and the Amount which the Ecclesiastical Person holding or vacating such See, Benefice, or Preferment should contribute to any such prospective Repairs or Improvements: Provided always, that in case of Dilapidations arising from the Want of any permanent and substantial Repairs and Improvements, and occasioned by inevitable Accident, and without wilful Default, and which might be effected by way of Memorial and Charge, or by Money raised on Mortgage repayable in manner aforesaid, it shall be lawful for the said Commissioners and they are hereby required to make a special Report in respect thereof, with a view to the Exemption of same from any such Estimate of Dilapidation chargeable against any such Ecclesiastical Person, and the Execution of the said Repairs, by Money raised by way of Charge or Mortgage, and in such Case to inquire and report whether or not due and reasonable Diligence has been exercised in effecting of the said Repairs in a timely and seasonable Manner, by Memorial or otherwise, and also, in Cases of Dilapidations committed or suffered previous to the Incumbency of the Ecclesiastical Person sought to be charged, to inquire and report whether such Ecclesiastical Person used all reasonable Diligence to obtain and enforce a Certificate of Charge in respect thereof against his Predecessor or his Representatives, and failed to do so from good and sufficient Causes; and upon the Return of such Commission, and Report made thereunder, it shall be lawful for the Person or Persons empowered to entertain Memorials in that Behalf to hear and determine all Objections that may be had or taken in Writing within the Space of Three Months after the Date thereof to the Matter of the said Report or any Part thereof, and to confirm, alter, or amend the same, if he or they shall so think fit, and to moderate and reduce such Charges in respect of Dilapidations, and to determine what Portion of such Repairs shall be done and executed at the Charge and Expense of such Ecclesiastical Person or his personal Representative, and what Part thereof shall be done and executed by Money raised by way of Charge or by Money raised on Mortgage in manner aforesaid, and to fix a Time for the Execution of the Repairs of such Dilapidations respectively, and to declare by whom and when the Costs of said Commission shall be paid; and thereupon the said Repairs and Improvements so directed to be done and executed by way of Memorial and Charge, or by Money raised on Mortgage, shall be done and executed accordingly in manner aforesaid, and said Costs shall be paid as declared; and the Ecclesiastical Person holding such See, Benefice, or Preferment on which such Dilapidations shall have been incurred or suffered shall, within the Time specified by such Persons as aforesaid, effectually repair all such Dilapidations and Defects as have so happened, and execute all such Repairs and Work upon the said Residence as by the said Ordinary

Ordinary shall be declared to be chargeable against him, and pay such Costs as may be adjudged against him; and in default thereof it shall be lawful for the Person or Persons so empowered as aforesaid (having previously admonished such Ecclesiastical Person in that Behalf) to sequester the Profits and Emoluments of such See, Benefice, or Preferment, or a competent Portion thereof, after due Provision made for the Person or Persons who shall discharge the actual Cure of Souls in said See, Benefice, or Preferment, until a Sum shall be received sufficient to answer the Purposes of the said Repairs, and the Costs of the said Commission and Monition; and the Money so to be raised, after defraying such Expenses, shall be applied and expended, under the Management of a Person nominated by such Person so authorized as aforesaid, on the Repairs mentioned in the said Report, and approved of as aforesaid, in like Manner as is herein-before provided in the Case of building of Ecclesiastical Residences upon default of an Ecclesiastical Person required to build as aforesaid; and upon the Report of such Commissioners that the said Dilapidations have been thoroughly repaired, and upon such Report being confirmed and approved by a Certificate under the Hand and Seal of the Person so authorized as aforesaid, and which Report and Certificate shall be thereupon entered at large in the Registry of the Diocese, such Ecclesiastical Person and his Representatives shall be thenceforth for ever discharged from all further Claim or Demand in respect of Dilapidations incurred at or previous to the Date of such Report to the Period to be therein stated by the said Commissioners when said Dilapidation has been thoroughly repaired.

Upon Confirmation of Report as to Dilapidations a Certificate of Allowance to be granted in respect to the same.

XXVIII. That upon the Confirmation of any such Report in respect of Dilapidations suffered by any Predecessor, the Person or Persons confirming the same shall grant a Certificate of the Amount, ascertained in manner aforesaid as chargeable against such Predecessor or his Representatives; and it shall be lawful for the Ecclesiastical Person obtaining such Certificate to deduct the Amount thereof from any Building Charge to which the said Predecessor or his Representatives may be entitled, and, at his Election, to be notified by any Writing under his Hand and Seal to be registered in the Registry of the Diocese, to make such Deduction immediately after his Induction or Installation or Enthronement, and before he shall have become a Successor chargeable as aforesaid with the entire Amount of said Charge, and such Money shall thereupon be expended and laid out in the effecting of the necessary Repairs, and such Charge shall thereupon, as against such Successor expending the same, be subject to Set-off to the Extent of such Deduction accordingly; and in case there shall be no such Charge existing, or in case the Amount of such existing Charge shall be less than the Sum allowed

allowed in respect of such Dilapidations, it shall be lawful for the said Ecclesiastical Person or his Representative to institute his Suit in the Ecclesiastical Court of the Diocese in which such Predecessor shall then be an Incumbent against such Predecessor, or, in case of an Archbishop or Bishop, to apply to the Person or Persons authorized to entertain Memorials in that Behalf for a Sequestration of any See, Benefice, or Preferment of which the said Ecclesiastical Person may then happen to be in possession, and which Sequestration of One Half of the annual Profits of such See, Benefice, or Preferment, or such other lesser Proportion thereof as shall be sufficient for the Purpose, said Person or Persons empowered as aforesaid shall, on the Production of such Report and Certificate of Allowance in respect of Dilapidations, and at the Expiration of One Year after such Ecclesiastical Person shall have been so in possession of the said See, Benefice, or Preferment, be at liberty to issue, and to direct the Sums so levied to be paid over to the said Ecclesiastical Person or his personal Representatives, in satisfaction of such Claim for Dilapidations, together with the Costs of such Proceeding, or in case of a prior Sequestration of the said Profits being in force, it shall be lawful for such Person as aforesaid to order the Sequestrator to pay such Ecclesiastical Person, or his Representatives, such Proportion of the said Profits as aforesaid; and it shall be also competent to any such Ecclesiastical Person, or his personal Representatives, having obtained such Certificate of Allowance in respect of Dilapidations against any such Predecessor or his personal Representatives, at his or their Election, to recover the Amount thereof by Action of Debt or on the Case in any of Her Majesty's Superior Courts of Record in *Ireland;* and in every such Action or Proceeding such Report of the said Commissioners, confirmed or altered as aforesaid, and such Certificate of Allowance made thereupon, or examined and certified Copies thereof, shall be received as Evidence of the Existence, Nature, and Amount of such Dilapidations for or against either of such Ecclesiastical Persons or their Representatives.

As to Expenditure of Money recovered in respect of Dilapidations, &c.

XXIX. That the Amount so recovered or deducted in respect of any Dilapidations or Waste by any such Successor shall be by him laid out and expended in the Repair of such House, Buildings, or Improvements, or the Restoration and Improvement of the said Demesne, Mensal, or Glebe Lands, in conformity with the Report of the said Commissioners; and such Successor, or his Representative, shall, within the Space of Twelve Calendar Months after the Date of such Certificate of Allowance of Dilapidation, produce to the Person or Persons empowered to grant the same proper Vouchers or other Evidence to his or their Satisfaction to show that the said Sum has been justly and properly expended thereon, or shall establish to his or their Satisfaction that all reasonable Diligence has been exercised

exercised to enforce the Recovery thereof; and in default thereof it shall be lawful for the Person or Persons empowered to grant such Certificate to sequester the entire of the Rents, Issues, and Profits of the Benefice or Preferment of the said Ecclesiastical Person until, after the Payment of all necessary Charges and Outgoings, including a Provision for such as shall have Cure of Souls in the said Benefice or Preferment, a Sum shall be received sufficient to effect such Repairs, and to restore and improve the said Lands; and the Money so to be raised shall be applied and expended under the Management of a Person or Persons to be nominated by the Person or Persons issuing such Sequestration, or empowered thereto, upon the Repairs and Improvements mentioned in the said Report, and approved of by the said Person or Persons, in like Manner as is herein-before mentioned in the Case of Buildings of Ecclesiastical Residences upon default of an Ecclesiastical Person required so to do, or shall be applied in part Payment under any Estimates in respect of the said Repairs given to the Ordinary in manner aforesaid, or in part Payment of the Principal Money of any Mortgage of the Issues and Profits of the said Benefice granted in manner aforesaid; and in case it shall happen that the Ecclesiastical Person recovering or being allowed said Sum in respect of Dilapidations suffered by his Predecessor shall die before the same shall have been expended on such Repairs or Improvements, in such Case the immediate Successor of the said Ecclesiastical Person shall in like Manner have, receive, and recover from the Representative of such Ecclesiastical Person the Amount so recovered or allowed, but not expended on said Repairs or Improvements, by Action of Debt in any of Her Majesty's Superior Courts of Record in *Ireland*, or deduct the same from any Sum payable to him on account of any Charge as aforesaid, and shall expend and lay out the same in manner aforesaid, and subject to the like Penalties and Forfeitures as aforesaid: Provided always, that in case it shall appear that all due and reasonable Diligence has been exercised to enforce the Payment of the Amount of such Certificate without Effect, and that the Estate of the Predecessor chargeable as aforesaid is insolvent, it shall be lawful for the Person or Persons empowered to grant Certificates as aforesaid, by a Memorandum in Writing endorsed on or annexed to said Report, to permit and approve of such Repairs being done by Memorial and Charge, or by Money raised on Mortgage, such Memorandum setting forth the Grounds of such Allowance.

And whereas it is expedient to enable Ecclesiastical Persons to call for Inspection of their Residences, and to exonerate themselves from Charge as to Dilapidations by Execution of such Repairs as may be reported necessary: Be it enacted as follows:

Power to issue a Commission to inspect and examine Houses, &c. of Ecclesiastical Persons.

XXX. That it shall be lawful for the Person or Persons hereby empowered to entertain Memorials for building Ecclesiastical Residences, upon the Application in Writing of any One or more Ecclesiastical Person or Persons holding any See, Benefice, or Preferment, to issue a Commission, to be directed to Three or more fit and proper Persons, and One of whom shall be a competent Architect, to inspect and examine all and every of the several Houses, Buildings, and Improvements, Lands and Premises, of such Ecclesiastical Person or Persons in the said Commission mentioned, in pursuance of such Requisition or Requisitions, which said Commissioners shall be sworn to inquire and report the Matters referred by the said Commission, in the like Manner, and shall have the same Powers and Authorities, and the like Assistance of One or more Builders or Workmen, to be nominated by the Person or Persons issuing the said Commission, as Commissioners of Valuation of Buildings erected in pursuance of a Memorial as aforesaid, and shall inquire and report whether each and every of the said Buildings and Improvements, Lands and Tenements, is and are in good and sufficient Repair at the Time of such Inspection, and the Nature and Extent of the Dilapidations arising from Want of proper annual and necessary Repairs, or from the Neglect of timely Execution of permanent and substantial Repairs, or from wilful Default, and the Nature of the Repairs necessary to make good such Dilapidations, and whether the said Residences respectively stand in need of any and what permanent and substantial Repairs or Improvements, and the Sum of Money which they shall judge to be necessary to be expended upon the Repairs of such Dilapidations, and the effecting of such permanent Repairs and Improvements, and the Manner in which, and the Time or Times at and within which, such Repairs or Improvements respectively shall be made, distinguishing such as may be required immediately from such as may be required at a future Period; and upon the Return of the said Commission and Report it shall be lawful for the Person or Persons empowered to entertain Memorials as aforesaid to hear and determine such Objections as may be had and taken in Writing within Three Calendar Months after the Date thereof to the said Report or any Part thereof, and to confirm, alter, or amend the same as he or they shall think fit, and to fix a Time for the Repairs of such Dilapidations, and also, having regard to the Time and Manner in which such Dilapidations shall have accrued, and whether due Diligence shall have been exercised for the Purpose of obtaining or enforcing against any Predecessor or his Representatives the Amount of any Charge for Dilapidations, to determine whether such permanent Repairs and Improvements shall be executed by the Ecclesiastical Person holding such See, Benefice, or Preferment at his own proper

proper Cost and Charge, or by way of Memorial and Charge, or by Money raised on Mortgage in manner aforesaid, and thereupon the said Report so amended or confirmed shall be entered at large in the Registry of the Diocese; and the Ecclesiastical Person holding such See, Benefice, or Preferment, and applying for such Inspection, shall, within the Time specified by such Person as aforesaid, effectually repair all such Dilapidations, and such Defects as may have happened by reason thereof as aforesaid, and execute all such Repairs and Works as by the said Report shall be required; and in default thereof it shall be lawful for the Person or Persons so empowered as aforesaid (having previously admonished him as aforesaid) to sequester such Portion of the Rents and Profits of such See, Benefice, or Preferment, and apply the Proceeds of the same, in like Manner as herein-before mentioned on a Commission issued on Complaint made of Dilapidations as aforesaid; and upon the Report of such Commissioners, approved and entered at large in the Registry of the Diocese as aforesaid, that such Dilapidations as shall have been so declared chargeable against such Ecclesiastical Person have been thoroughly repaired, such Ecclesiastical Person and his Representatives shall be thenceforth for ever discharged from all further Claim or Demand in respect of Dilapidations incurred at or previous to the Date of such Inspection, to the Period to be therein stated by the said Commissioners when the said Dilapidations shall have been thoroughly repaired; and upon the Execution of any such permanent Repairs or Improvements as aforesaid being duly reported, the said Ecclesiastical Person or his Representatives shall be entitled to a Certificate of Charge of the like Nature and Effect as if executed pursuant to a Memorial presented and approved of as aforesaid: Provided always, that in respect of any Glebe House belonging to any such Parochial Church, Chapelry, or Perpetual Curacy, it shall be lawful for the Bishop of the Diocese, if he shall so think fit, with the Consent of the Incumbent, to authorize and require the Rural Dean, with the Assistance of the Diocesan Architect or his sufficient Deputy, to be approved by said Bishop in Writing, from Time to Time to make an Inspection of such Glebe Houses, Buildings, and Improvements, Lands and Tenements, being within the District of such Rural Dean, and to report on the Condition of the same, in like Manner and with the Authorities of the said Commissioners in case of Inspection herein-before mentioned; and such Report may be objected to, altered and confirmed, registered and enforced, in like Manner and shall have the like Effect as the Report of such Commissioners as aforesaid; and upon a Certificate of the said Rural Dean, and Architect or Deputy, as aforesaid, that such Repairs have been executed in pursuance thereof, the Incumbent or his Representatives shall

On Report of Commissioners that Dilapidations have been repaired, Ecclesiastical Person discharged from further Claim, &c.

shall be entitled to the like Exoneration or Certificate of Charge as aforesaid.

As to Condemnation of Residences and unnecessary Offices.

XXXI. That in all Cases in which, upon any Inspection, it shall appear to the Commissioners, or Rural Dean and Architect, making the same, that any such Ecclesiastical Residence, or any Part or Offices thereof, is or are too ancient or decayed to be repaired, or is or are wholly or in part unnecessary or unsuitable for the Use and Residence of such Ecclesiastical Person and his Successors, having regard to the Income of such Ecclesiastical Person, the Situation and State of Repair of said Residence, or other Circumstances which the said Commissioners shall deem important in that Behalf, it shall be lawful for the said Commissioners and they are hereby required to make a Report thereof to the Person or Persons issuing the said Commission, together with the Grounds and Circumstances upon which the said Report is founded, and the Manner in which, in the Opinion of the said Commissioners, it would be most advisable to deal with such Residences or any Portion thereof so reported unworthy of Repair, or useless or unsuitable, and also to report whether or not any existing Charge in respect of any such Ecclesiastical Residence should be affected or reduced, and if so to what Extent, in case any such Buildings or Offices should be condemned; and it shall be lawful for the Person or Persons issuing the said Commission, upon the Return of any such Commission and Report, to hear and determine any Objections that may be had or taken to the said Report or any Part thereof, and to confirm, alter, or amend the same wholly or in part, as shall to him or them seem fit, and to condemn such House or Buildings or any Part thereof to be pulled down and destroyed, or otherwise sold, converted, and disposed of, as shall seem to him or them proper and expedient in that Behalf, and reduce any existing Charge affecting such Benefice in Amount in respect thereof, and to require and direct, if he or they shall so think fit, in the Manner herein-before provided, a new House of Residence or Building to be erected or purchased on the same or a different Site, and, in case the Sale of the Materials of which such former Residence or Portion thereof was composed shall be directed and had, to apply the Produce of such Sale in the building or improving of such Ecclesiastical Residence in manner aforesaid, so far as such Produce will extend.

As to Sale of unsuitable Residence.

XXXII. That in case it shall happen that any such Ecclesiastical Residence, or in case the Glebe or Mensal Land belonging to any See, Benefice, or Preferment having no Residence, is placed in an unhealthy or inconvenient Situation, or is otherwise unsuitable for the Residence of any such Ecclesiastical Person and his Successors, from

from the Income of such Ecclesiastical Person, or from its Situation or State of Repair or other Circumstances, and shall be so reported by the Commissioners aforesaid, it shall be lawful for the Person or Persons issuing the said Commission to direct and authorize the Sale of such Residence and the Appurtenances belonging thereto, and a Portion of the Glebe Land contiguous thereto, not exceeding Twenty Acres in the whole, to any Person, Body Politic or Corporate, either altogether or in Parcels, for such Sum or Sums of Money as to such Person or Persons issuing such Commission as aforesaid shall appear reasonable; and thereupon it shall be lawful for such Ecclesiastical Person, and he is hereby empowered, by and with the Consent of such Person or Persons empowered to issue such Commission as aforesaid, to be signified by his or their Execution of the Deed of Conveyance hereby authorized to be made, absolutely to sell such House of Residence and Appurtenances, with such contiguous Land as aforesaid, or such Glebe Land, to any Person or Persons, Body Politic or Corporate, either altogether or in Parcels, and upon Payment of the Purchase Money thereof to such Person or Persons as the Person or Persons empowered to issue such Commission shall nominate, by Deed indented, to convey and assure such House of Residence, Land, and Appurtenances unto and to the Use of the Purchaser or Purchasers, his or their Heirs or Assigns or Successors, or as he or they shall direct or appoint; and the Receipt of such Person or Persons so nominated shall be an effectual Discharge to such Purchaser or Purchasers paying such Monies or such Parts thereof as in such Receipts shall be expressed, who shall be thereupon discharged from the said Monies, and shall not be accountable for the Loss or Misapplication of the said Monies or any Part thereof; and the Monies to arise from such Sale or Sales shall, after Payment of all Costs, Charges, or Expenses of such Sale, if it shall be sufficient thereto, be applied by the Person or Persons so nominated to receive the same in and towards the Erection or Purchase of some other suitable Residence or Land in the Manner herein-before provided in respect of building of Ecclesiastical Residences on the Default of the Ecclesiastical Person required to build the same; and the Residue of the Money, if any, shall be applied towards the Extinguishment of any existing Charge upon the said Benefice or Preferment, or shall be otherwise applied in permanent and useful Improvements on the said Ecclesiastical Residence or Glebe Lands, as the Person or Persons empowered to issue such Commission shall approve; but if such Purchase Money shall prove insufficient for the Purchase or Erection of a Residence or Land as aforesaid, it shall be lawful for the Person entitled to issue said Commission as aforesaid to require and enforce the Contribution of the Balance from the Ecclesiastical Person for the Time being holding said See, Benefice, or Preferment, or to raise the Amount upon Mortgage in manner aforesaid.

 XXXIII. That

Certificate in respect of new Residence to discharge all Liability and Charges in respect of former Residence.

XXXIII. That where any such Ecclesiastical Person shall have obtained a Certificate of Charge in respect of any Purchase, Building, or Improvement of any new House of Residence, such Ecclesiastical Person and his Successors shall not be bound to keep the former Residence or Offices in repair, nor shall he or they be entitled to have, receive, or recover any Sum of Money from his or their Successors on account of the Purchase, Building, or Improvement of the former House of Residence the Site whereof shall have been changed.

Charge to be extinct on Sale or Exchange of Residence.

XXXIV. That when any such Ecclesiastical Person shall have sold, exchanged, or disposed of any Ecclesiastical Residence in respect of which any such Charge shall have been then subsisting, the Person so purchasing or taking said Residence in Exchange shall hold same thenceforth freed and discharged from said Charge.

And whereas it is expedient that Decisions in respect of Building Charges, Dilapidations, and the Purchase and Sale of Ecclesiastical Residences, should be uniform, and subject to Correction in case of Error: Be it therefore enacted as follows:

Appeal from Decisions as to Buildings and Dilapidations.

XXXV. That it shall be competent for any Ecclesiastical Person, or his personal Representative, who shall feel himself aggrieved by any Order to be pronounced by any Person herein-before authorized in that Behalf, requiring him to build or improve the House of Residence of such Ecclesiastical Person, or by any Refusal of Permission to build or improve the same, or by any Allowance or Disallowance of any Claim for building or improving any such House of Residence, or for or in respect of Dilapidations committed or suffered in respect thereof, or by any Order in respect of the Sale of any Ecclesiastical Residence, or touching any Charge in respect of the said Residence, within Twelve Calendar Months after the making the Order or Refusal complained of, to appeal in a summary Way from any such Decision of a Bishop or his Vicar General to the Archbishop of the Province, or in his Absence to his Vicar General, and from the Decision of any Archbishop or his Vicar General to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and Six or more of the Privy Council of *Ireland*, being Members of the Established Church, who shall respectively have full Power and Authority to make such Order as to him or them shall seem fit in the Premises, and with respect to the Costs of the Appeal, and to grant, confirm, alter, or amend any Certificate made or refused in respect thereof; and such Order and Certificate so made, granted, confirmed, altered, or amended, shall be of the like Force and Effect as if it had been made by the Person from whose Decision such Appeal shall have been had, and shall be entered in the Registry of the Diocese in like Manner.

And

And with respect to the Purchase of Residences, and Demesne, Mensal, and Glebe Lands, by Ecclesiastical Persons, pursuant to Memorial and Charges in respect thereof, and the Exchange of inconvenient Residences, be it enacted as follows:

As to Purchase of Residences.

XXXVI. That it shall be lawful for any Ecclesiastical Person having no House of Residence belonging to his See, Benefice, or Preferment, or a House of Residence unsuitable or inconveniently situate, by and with the Consent of the Person or Persons hereby empowered to entertain Memorials in that Behalf, to be certified under his or their Hands and Seals, upon a Memorial to be presented in like Manner and Form (so far as the Circumstances of the Case may admit) as in the Case of building of Residences as aforesaid, by any Deed or Deeds to be registered and enrolled in the Manner hereinafter mentioned, to purchase to him and his Successors for ever any House of Residence already built within or convenient to his See, Benefice, or Preferment, with suitable Lands and Conveniences thereto belonging, or any Lands or Tenements fit for such Buildings and Conveniences for the Residence of such Ecclesiastical Person and his Successors, such Lands to be from thenceforth Part of the Demesne, Mensal, or Glebe Lands of such Ecclesiastical Person and his Successors for ever; and the Purchase Money for the same, and the Charges and Expenses of building or improving the said Residence (not exceeding in the whole Two Years net Income of such See, Benefice, or Preferment), shall be ascertained and certified in like Manner as herein-before provided in respect of Buildings erected pursuant to Memorial, and such Certificate shall be of the like Force and Effect, and the Amount therein mentioned shall be paid and recovered in like Manner: Provided always, that no such Certificate shall be given in respect of the Purchase of any House, Building, Office, or Lands, unless the same shall be purchased by such Ecclesiastical Person in Fee Simple or in Fee Farm, subject to such Rent as shall be mentioned in the said Memorial, and approved of as aforesaid.

As to Purchase of Demesne, Mensal, and Glebe Lands.

XXXVII. That it shall be lawful for any Archbishop or Bishop having not more than One hundred Acres of Demesne Lands annexed to his See, and for any Rector, Vicar, or other Incumbent of any Benefice, Parochial Chapelry, or Perpetual Curacy, not having more than Five Acres of Glebe belonging to his Benefice, Chapelry, or Curacy, by and with the Consent of the Person or Persons by this Act empowered to entertain Memorials as aforesaid, to be testified under his Hand and Seal at the Foot of a Memorial to be presented and approved of as in the Case of building of Ecclesiastical Residences, or by his being Party to the Deed or Instrument of Purchase, by

by any Deed or Instrument in Writing, to be registered and enrolled in the Manner herein-after mentioned, to purchase to him and his Successors for ever any Lands within the Limits of his See, Benefice, or Preferment, or immediately adjacent and convenient thereto, not exceeding in Quantity, in the Case of an Archbishop or Bishop, the Number of Two hundred Acres, and in the Case of a Rector, Incumbent, or Curate, Twenty Acres, upon which Purchase there may be reserved out of said Lands any yearly Rent not exceeding One Half of the improved Value of said Lands at the Time of the Purchase thereof, which said Rent so reserved shall be a Charge on the said Lands so purchased in the Hands of such Ecclesiastical Person and his Successors for ever; and such Lands so purchased shall be and continue the Demesne or Glebe Lands of such See, Benefice, or Curacy, to all Intents and Purposes; and every such Ecclesiastical Person who shall have purchased said Lands, or his personal Representative, shall be entitled to demand and have a Certificate of Charge on such See, Benefice, or Curacy, (not exceeding Two Years net Income thereof,) for the Amount of the Purchase Money thereof, of the like Nature, Force, and Effect as a Charge for building or improving of Ecclesiastical Residences pursuant to Memorial.

Exchange of inconvenient Residences and Lands.

XXXVIII. That it shall be lawful for any Ecclesiastical Person having a House of Residence, Office, or Demesne, Mensal or Glebe Lands, belonging to his See, Dignity, Benefice, or other Preferment, Parochial Chapelry, or Perpetual Curacy, inconveniently situate for the Discharge of the Duties of such Ecclesiastical Person, or situate in an unhealthy Situation, by and with the Consent of the Person or Persons hereby empowered to entertain Memorials as aforesaid, to be testified under his Hand and Seal at the Foot of a Memorial to be presented and approved of as in the Case of building of Ecclesiastical Residences, or by his being a Party to the Deed or Instrument of Exchange, (and in the Case of a Benefice, Perpetual Curacy, or Chapelry, by and with the further Consent of the Patron thereof, to be signified and expressed by signing and sealing the Deed of Exchange,) by any Deed to be registered and enrolled in the Manner herein-after mentioned, to exchange the whole or any Part of the Demesne, Mensal, or Glebe Lands of such See, Dignity, Benefice, Chapelry, or Curacy, or any Residence, Offices, Easements, or Appurtenances thereunto belonging, and situate in an inconvenient or unhealthy Situation, with any Archbishop, Bishop, Dean, Dean and Chapter, Rector, or other Person, Body Politic or Corporate, whether aggregate or sole, ecclesiastical or lay, for Lands or any Residence, Offices, Easements, or Appurtenances of greater or equal Value, Worth, and Purchase, and being held in Fee Simple, and lying convenient to the Cathedral Church or Chapel of such Ecclesiastical Person, and

and situate in a suitable and healthful Situation: Provided always, that where the Patronage of any such Benefice shall happen to be in Her Majesty or Her Successors, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to give the said Consent in manner aforesaid; and where the Patronage shall happen to be in a Minor, Idiot, Lunatic, or Feme Covert, such Consent may be given by the Guardian, Committee, or Husband of such Patron executing the said Deed in manner aforesaid, and in the Name of such Patron, and thereupon such Patron shall be bound thereby in such Manner as if he or she, being of full Age, or sound Mind, or sole, had executed same.

Memorial for Purchase or Exchange to set forth certain Particulars of Houses, &c.

XXXIX. That every such Memorial presented by any Ecclesiastical Person intending to make any Purchase or Exchange of any such Demesne, Mensal, or Glebe Lands, or such Residences, Offices, or Appurtenances as aforesaid, under the Provisions of this Act, shall, in addition to such other Particulars as may be pertinent and necessary thereto, set forth the Particulars, Extent, and Situation of such House, Offices, Lands, or Appurtenances respectively to be given and taken in Exchange or Purchase, accompanied by a Map or Survey and Valuation made by some competent Surveyor, and verified by a Declaration to be made by such Surveyor before any Justice of the Peace for the County in which the said House or Lands or either of them are situate, (which Declaration he is hereby authorized to administer,) of the House, Offices, or Lands, or Appurtenances proposed to be purchased or given and taken in Exchange, setting forth separately the Value of all the Timber or other Trees growing thereon, if any, and also of all Mines, Minerals, and Quarries, and all other Rights, Profits, and Advantages whatsoever, belonging to the said House, Offices, Lands, and Premises respectively.

Enabling Sale and Exchange of suitable House and Land for Glebe.

XL. That it shall be lawful for any Owner of any House, Offices, Buildings, Lands, or Tenements suitable and convenient for the Residence, Offices, or Glebe of any such Rector or other Incumbent of any Parish, Parochial Chapelry, or Perpetual Curacy, whether such Owner be a Corporation, sole or aggregate, or Tenant in Fee Simple or in Fee Tail, general or special, or for Life or Lives, and for the Guardians, Trustees, or Feoffees for charitable and other Uses, and for any married Woman seised in her own Right, and for the Guardians and Committee of Lunatics and Idiots, and for the Ecclesiastical Commissioners for *Ireland* having Houses or Lands belonging to any suppressed See or Dignity, to exchange or sell, convey or release, the said House, Offices, Buildings, Lands, or Tenements to or with any such Rector or Incumbent authorized to make such Exchange or Purchase, and having such Consents as aforesaid, and his Successors, and to enter into all necessary Agreements for

that Purpose for such other Houses, Offices, Buildings, Lands, or Tenements belonging to such Rector or Incumbent as shall be ascertained to be of equal Value and Purchase at the Time, or for such Sum of Money as shall be ascertained to be the true and just Value of the same at the said Time, by a Valuation to be made in the Manner herein-after mentioned, not only on behalf of themselves and their respective Heirs, Executors, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeazance of the Estate of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics or Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under this Act if they respectively had been under no Disability: Provided always, that no Lands or Tenements exceeding the Quantity of Five Acres shall be granted or conveyed (except by way of Exchange) under the foregoing Provision, and that the Value and Purchase Money of any House, Offices, Lands, or Tenements purchased from or given and taken in Exchange from any Party under Disability or Incapacity, and not having Power to sell or exchange except under the Provisions of this Act, shall, except in the Case of the Ecclesiastical Commissioners for *Ireland* aforesaid, be ascertained and determined by the Valuation of a Jury in the Manner herein-after provided, and that the Value shall in all other Cases, unless the said Parties or the said Ordinary shall otherwise require it, be ascertained by Consent between the said Owner and such Ecclesiastical Person with such Consents as aforesaid: Provided also, that no Dwelling House or Part of the Lands usually reputed as Demesne Lands to the Dwelling House belonging to any such Tenant for Life or Tenant in Tail shall be purchased or taken in Exchange under the foregoing Provision.

Power to issue Precept to Sheriff or Coroner to summon a Jury.

XLI. That it shall be lawful for the Ordinary of the Diocese, upon Receipt of any such Memorial in respect of the Exchange or Purchase of any such House, Offices, Lands, or Tenements, by any such Rector, Vicar, or other Incumbent as aforesaid, at his own Instance, and he is hereby required, upon the Demand in Writing of any Party concerned and interested in any such intended Purchase or Exchange, to issue his Precept in Writing to the Sheriff or Coroner of

of the County where the said House, Offices, or Lands to be purchased or accepted in Exchange by such Rector, Incumbent, or Curate shall be situate, requiring him to summon a Jury to ascertain the Value of the said House, Offices, Lands, Tenements, or Hereditaments proposed to be given and taken in Exchange or purchased; and upon the Receipt of such Precept the said Sheriff or Coroner shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts of Record, to meet at a convenient Time and Place to be appointed by him for that Purpose, such Time not being less than Fourteen Days nor more than Twenty Days after the Receipt of such Precept, and such Place not being more than Eight Miles distant from the said House, Offices, Lands, or Tenements in question, unless by the Consent of the Parties interested, or unless such Distance shall happen to be unavoidable; and such Sheriff or Coroner shall forthwith give Notice to the Parties interested in and demanding such Inquiry; and out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff or Coroner in the usual Way, and if a sufficient Number of indifferent Jurymen summoned as aforesaid do not appear, the Sheriff or Coroner shall return other and indifferent and qualified Persons of the By-standers, and others that may be speedily procured, to make up a Jury, with like Challenge to the Polls of such Jurymen as in ordinary Cases is by Law permitted; and such Jury, being impannelled and sworn, shall inquire of the true Value of the respective Houses, Offices, Lands, or Tenements proposed to be exchanged or purchased, and the Quantity of the said Lands, and of the best and most improved Rent and full yearly Value, and Quantity of Land so proposed to be granted subject to a Rent, by the Oaths of such skilful and credible Witnesses as shall be produced by either Party, which Oaths the said Sheriff or Coroner is hereby authorized to administer; and the said Sheriff or Coroner is hereby required to return the Value, together with the Mears and Bounds of the said House, Offices, or Lands so proposed to be purchased and given and taken in Exchange, for which Inquisition and Return the Sheriff shall be entitled to the Fee of Ten Shillings, and no greater Sum, to be paid by the Party requiring the same, or in other Cases by the Rector or Incumbent proposing to make such Purchase or Exchange; and such Inquisition and Return shall be filed and recorded in the Rolls Office of the High Court of Chancery in *Ireland* for the Fee of Six Shillings and Eightpence, and no more, to be paid as last aforesaid; and the said Inquisition, Return, and Deed of Purchase or Exchange shall be binding and conclusive to all Intents and Purposes upon the Party so making such Sale or Exchange, and all others claiming any Estate, Title, or Interest in the said House, Offices, Lands, or Tenements, or any Part thereof, in reversion, remainder, or expectancy by, from

from, or under him, or under any Settlement or Entail thereof, and shall entitle the said Ecclesiastical Person making such Purchase (with the Consent of the Ordinary as aforesaid) to a Certificate of Charge in respect of the Purchase Money thereof, not exceeding Two Years Income of the said Benefice or Curacy, of the like Nature and Effect as Charges in respect of Buildings of Ecclesiastical Residences.

House and Lands purchased and taken in Exchange to be Glebe.

XLII. That every such House, Offices, Lands, or Tenements purchased or accepted in Exchange as aforesaid by any Rector or Incumbent, with such Consent as aforesaid, shall, from and after such Grant or Conveyance as aforesaid, to all Intents and Purposes be deemed and taken to be the House of Residence, Offices, Glebe, or Appurtenances of the Benefice, Parochial Chapelry, or Perpetual Curacy of such Ecclesiastical Person making such Purchase or Exchange, and his Successors for ever, without any Licence in Mortmain; and that in case of any Exchange made in pursuance of this Act, no such Ecclesiastical Person or his Successors shall be at any Time thereafter evicted or ejected from the peaceable and quiet Possession and Enjoyment of the said House, Offices, Lands, or Premises, or any of them, which have been so granted or conveyed to such Ecclesiastical Person by way of Exchange, by reason of any Person or Corporation claiming Right or Title thereto prior to or in defeazance of or in derogation of the Right or Title of the Person, Body Politic or Corporate, granting or conveying the same in Exchange: Provided always, that nothing herein contained shall exempt any such Ecclesiastical Person or his Successors from the Observance and Performance of any Covenants, Agreements, or Conditions in such Grant contained: Provided also, that it shall be lawful for any Person, Body Politic or Corporate, claiming such Right or Title, and he is hereby authorized, to have and exercise the same Powers and Remedies in trying his Right to and in obtaining Possession of any House, Offices, Lands, or Premises granted in Exchange by any such Ecclesiastical Person, as the said Person, or Body Politic or Corporate, would have been entitled in case this Act had not passed to have or exercise in trying the Right and obtaining the Possession of the House, Offices, Lands, or Premises in Exchange for which the same shall have been granted and conveyed by any such Ecclesiastical Person under the Authority of this Act.

Former Ecclesiastical House or Glebe Lands to be subject to the like Uses as those taken in Exchange.

XLIII. That every such Ecclesiastical Residence, Office, or Glebe Lands so given, granted, and conveyed in Exchange by any such Ecclesiastical Person, with such Consents and in manner as aforesaid, shall, from and after such Grant and Conveyance thereof, be and become vested in and settled upon the same Person or Persons, and to and

and for and subject to the same Estates, Uses, Trusts, and Limitations, and subject to the same Powers, Conditions, Charges, and Incumbrances, as the said House, Lands, or Tenements so to be granted and conveyed in Exchange were vested in, settled upon, and subject to before such Exchange thereof, and would have been vested in, settled upon, and subject to in case such Exchange had not been made; and that such House or Lands so granted by such Ecclesiastical Person in Exchange shall likewise be subject to the like Payments (if any) in respect of Tithe Rent-charge or other Ecclesiastical Charge as the House or Lands accepted in Exchange by such Ecclesiastical Person were theretofore or might thereafter have been liable to.

Application of Purchase Money.

XLIV. That in every Case in which, under the Authority of this Act, any Sale or Conveyance shall be made of any House, Offices, Lands, or Tenements which shall belong to any Corporation, Tenant for Life or in Tail, married Woman seised in her own Right or entitled to Dower, Guardian or Committee of any Lunatic or Idiot, Trustee, Executor, or Administrator, or other Person having a partial or qualified Interest only in such House, Office, Lands, or Tenements, and not entitled to sell or convey the same except under the Provisions of this Act, except in the Case of the Ecclesiastical Commissioners for *Ireland* aforesaid, the Purchase Money thereof shall be paid into the Bank of *Ireland*, with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed there to the Account of such Accountant General *ex parte* the Ecclesiastical Person making such Purchase, and in the Matter of this Act, pursuant to the Method by any Act for the Time being for regulating Money paid into the said Court; and such Monies shall remain so deposited until the same shall be applied to some One or more of the following Purposes; that is to say, first, in the Discharge of any Debt or Incumbrance affecting the same Lands, Tenements, or Hereditaments, or any other Lands, Tenements, or Hereditaments settled therewith to the like Uses or Trusts, or in the Purchase of other Lands, Tenements, or Hereditaments to be conveyed, limited, and settled to the like Uses and Trusts and in the same Manner as the said Lands, Tenements, or Hereditaments stood settled to, or such of them as shall be then existing and unsatisfied; and in the meantime, and until such Purchase shall have been made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in some one of the Public Funds of the Kingdom, and the Dividends and annual Produce thereof shall from Time to Time be paid, by One Order or several Orders of said Court, to the Person or Persons who would have been entitled to the Rents, Issues, and Profits of the Lands, Tenements

 or

or Hereditaments in case no Purchase and Conveyance thereof had been made under the Provisions of this Act.

And with respect to the taking of Lands at a Rent as Demesne, Mensal, or Glebe Land, be it enacted as follows:

Enabling Grant of Ecclesiastical Lands as Glebe at Half Rent.

XLV. That it shall be lawful for any Archbishop or Bishop, with the Consent of his Dean and Chapter, or, where there is no Dean and Chapter, with the Consent of the Archdeacon and Six beneficed Clergymen of the Diocese, and for any Dean, Dean and Chapter, Archdeacon, Dignitary, or Prebendary, with Consent of the Bishop of the Diocese and Archbishop of the Province, such Consents to be signified under Hand and Seal, or Seal, having any Lands belonging to him or them, and convenient for a Glebe for any Parish Church, Parochial Chapelry, or Perpetual Curacy not already endowed with Twenty Acres of Glebe Land, by any Deed under the Hand and Seal or Seal of such Ecclesiastical Person or Corporation, to be registered and enrolled in the Manner herein-after mentioned, to grant any such Lands, not exceeding, together with the Glebe Land already belonging to such Church, Chapelry, or Curacy, Forty Acres in the whole, to the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, and his Successors for ever, at a Moiety of the then improved yearly Rent, or for any greater Sum; and such Lands so granted as aforesaid shall, from and after the Execution of said Grant, be deemed and taken to be the Glebe Land of said Church, Chapelry, or Curacy for ever; and such Rent shall be paid by such Incumbent, Chaplain, or Curate, and his Successors for ever, by Two equal half-yearly Payments on the First Day of *May* and First Day of *November* respectively in each and every Year, and shall be a Charge on such Lands so granted as aforesaid.

Enabling Grant of neighbouring Glebe.

XLVI. That in case there shall happen to be any Benefice, Parochial Chapelry, or Perpetual Curacy to which there be no sufficient Glebe Lands belonging whereon a House of Residence might be built, and there shall be in a contiguous Parish Glebe Land suitable and convenient for the Purpose, and which can be spared without Detriment to such contiguous Parish, it shall be lawful for the Incumbent of the said Parish having such superfluous Glebe Land, by and with the Consent of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Seals, and of the respective Patrons of such Benefice, Chapelry, or Curacy, and of the Incumbent, Chaplain, or Curate of the said Church, Chapelry, or Curacy, certified as aforesaid, by Deed indented and to be registered and enrolled in manner herein-after mentioned, to grant any such Glebe or Part thereof to the Incumbent, Chaplain, or Curate of such

such Church, Chapelry, or Curacy, and his Successors for ever; and upon such Grant may be reserved such yearly Rent as may be agreed upon, with such Consent as aforesaid, to be payable by such Incumbent, Chaplain, or Curate, and his Successors, at such Times as may be by the said Indenture expressed and declared; and such Glebe Land so annexed as aforesaid shall thereupon for ever be deemed and taken to be Glebe Land of the said Parish, Chapelry, or Curacy to which the same shall be annexed, to all Intents and Purposes whatsoever.

Enabling Grant of Lay Lands for Glebe at a Rent.

XLVII. That it shall be lawful for any Person under no legal Disability or Incapacity, and for any Lay Corporation or Body Politic, having in his or their own Right, or Right of their Corporate Body, any House, Lands, or Tenements in Fee Simple or Fee Tail in possession, or of an Estate for Life or Lives in possession, with immediate Remainder to his own Issue, by any Deed or Deeds, to be executed under his or their Hand and Seal, or Corporate Seal, such Deed to be registered and enrolled in manner herein-after mentioned, and without any Licence in Mortmain, and without barring any such Estate Tail, to grant or demise in Fee Farm any such House, Lands, or Tenements (not being a Portion of the Demesne Lands usually occupied with and appertaining to the Mansion House of any such Person being a Tenant for Life) as a Glebe House or Lands for the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy, not exceeding, together with the Glebe already belonging thereto, Ten Acres, to such Incumbent, Chaplain, or Curate, and his Successors for ever, being a Body Politic or Corporate, and in all other Cases to any Person or Persons, Body Politic or Corporate, and his or their Heirs or Successors, in trust for such Incumbent and his Successors, and shall and may by such Deed reserve to such Person and his Heirs, or to such Corporate Body, and his or their Successors for ever, such yearly Rent out of the said Lands and Tenements so granted, and subject to such Rents, Covenants, and Agreements as shall be agreed upon between such Person or Body Corporate so granting the same and the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, with the Consent of the Ordinary of the Diocese and the Archbishop of the Province in which such Church, Chapelry, or Curacy is situate, to be signified by a Certificate in Writing under their Hands and Seals respectively, to be registered in the Registry of the Diocese, or by Endorsement of the said Deed of Grant.

Enabling Surrender of Glebe Lands.

XLVIII. That it shall be lawful for any Incumbent having unnecessary Glebe Lands subject to a Rent or Reservation, by and with the Consent of the Bishop of the Diocese and Archbishop of the

the Province, signified in Writing under Hand and Seal, and registered as aforesaid, or by Endorsement on the Deed or Instrument herein-after mentioned, and by the Consent of the Person for the Time being entitled to the Rent or Reversion of the said Lands, and competent to consent thereto, to surrender same or any Portion thereof, by a Deed or Instrument in Writing, to be registered in the Registry of the Diocese aforesaid, and thereupon such Lands so surrendered shall cease to be Glebe Lands from thenceforth for ever.

Registry of Deeds.

XLIX. That every Deed of Sale, Grant, or Exchange, or Surrender of any House, Offices, Lands, Tenements, or Premises made or executed in pursuance of this Act, together with the Maps and Valuations of the Valuators (in case there shall be such), shall, within Six Calendar Months after the Execution of such Deed or Instrument, be registered in the Registry of the Diocese to which the same shall relate, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Registry the Fee of Two Shillings and Sixpence shall be paid, and for which Enrolment the Fee of Ten Shillings shall be paid, and no greater or other Sum.

With respect to the Remedies for Recovery of Rents reserved upon Glebe Lands, be it enacted as follows:

Remedies for Recovery of Rent in arrear.

L. That in case any Rent reserved upon any Grant or Demise of Land as or for a Glebe shall be in arrear and unpaid, it shall be lawful for the Person or Body Politic entitled thereto to recover the same from the Ecclesiastical Person so in arrear, or his Representatives, by Distress on the said Lands, or by Action of Debt or on the Case in any competent Court of Record in *Ireland;* and in case One Year's Rent of any such Lands shall be in arrear and unpaid for the Space of Twenty-one Days, it shall be lawful for the Ordinary of the Diocese, upon the Request of the Person or Persons to whom such Rent is due, to summon the Ecclesiastical Person so in arrear before him, and if such Ecclesiastical Person shall not satisfy the said Ordinary that the said Rent has been paid, by Oath or otherwise (which Oath the said Ordinary is hereby authorized to administer), the Ordinary of the Diocese shall forthwith sequester a competent Portion of the Profits of such Benefice, Chapelry, or Curacy, until the said Arrear of Rent, and all Costs and Charges attending such Sequestration, to be ascertained by the said Ordinary, shall be fully discharged, and if such Arrear of Rent, or any Part thereof, or the said Costs and Charges attending such Sequestration, shall remain unpaid, notwithstanding such Sequestration, at the Death or Avoidance of such Incumbent, Chaplain, or Curate, the same, not exceeding however

One

One and a Half Year's Rent, shall be paid by the Successor of such Ecclesiastical Person, and if he shall neglect and refuse to pay the same or any Part thereof for the Space of One Calendar Month after his Admission into such Benefice, Chapelry, or Curacy, the Ordinary of the Diocese shall, upon Complaint thereof, and, if he shall deem it necessary, upon Proof thereof on Oath as aforesaid, grant a new Sequestration till the same be paid off; and such Successor, having paid such Arrear of Rent and Costs as aforesaid, shall and may recover the same from his Predecessor or his personal Representative by an Action of Debt or on the Case in any Court of Record of competent Jurisdiction in *Ireland*.

Vouchers of Rent and Mortgage Instalments to be produced to Bishop.

LI. That every Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy having any Glebe House or Lands appertaining thereto subject to a Rent or Mortgage, shall, so often as he shall be thereunto required by the Bishop of the Diocese, exhibit to the said Bishop, or to any Person by him deputed in Writing to demand the same, a sufficient Acquittance in full for all Rents and Instalments of Mortgage Money or Interest due in respect of the said Glebe House or Lands up to the last Gale Day or Day of Payment before such Demand, and prove, if required, the Perfection of such Acquittance by Oath or otherwise (which Oath the said Bishop and his Deputy appointed as aforesaid is hereby authorized to administer); and in case such Acquittance shall not be exhibited and proved, on such Demand as aforesaid, the said Bishop is hereby authorized and required to sequester the Profits of such Benefice, Chapelry, or Curacy until out of the Issue thereof the said Bishop shall be enabled to pay all Rent, Instalments, and Interest in arrear, together with the Costs of such Sequestration, which said Rent, Instalments, and Interest and Costs he is hereby required to pay and satisfy.

Copy of Ejectment to be served on Bishop.

LII. That a Copy of every Summons in Ejectment brought for Nonpayment of Rent reserved or payable out of any Glebe Lands shall be served on the Bishop of the Diocese at such Time and in such Manner as it is necessary now to serve a Summons in Ejectment in ordinary Cases upon necessary Parties.

Insurance of Ecclesiastical Houses.

LIII. That every Ecclesiastical Person having any House of Residence shall annually, or from the Time that such House of Residence shall be completed, insure, at One of the Public Offices established in *London*, *Westminster*, or *Dublin* for Insurance of Houses and Buildings, the Houses and other Buildings of the said See, Benefice, or Preferment, against Accidents by Fire, at a Sum of Money equal to Three Fourths of the original Cost of such House of Residence;

 and

and upon Neglect to make such Insurance, or to produce the Receipt in respect of the same, when demanded by the Person or Persons hereby empowered to entertain Memorials in respect of such Residences, or his or their Deputy appointed in Writing, such Person or Persons shall have Power to sequester a competent Portion of the Profits of the See, Benefice, or Preferment of such Ecclesiastical Person until out of the Issues thereof the said Ordinary shall be enabled to effect such Insurance, together with the Costs of such Sequestration.

And with respect to the Appropriation of Bishops and Deanery Lands for Demesne, be it enacted as follows:

Archbishops, &c. may appropriate Lands for Demesne.

LIV. That it shall be lawful for any Archbishop, Bishop, Dean, Archdeacon, Dignitary, or Prebendary of any Cathedral Church having no sufficient Demesne or Mensal Lands, or having Demesne or Mensal Lands situate at too great a Distance from his or their Mansion House or Cathedral Church, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and of the Privy Council, Six at least of the said Privy Council agreeing thereto, out of any Portion of his or their respective Ecclesiastical Lands, being actually out of Lease, or whereof the Lease being unexpired shall be surrendered to or purchased by such Ecclesiastical Person, to set apart so much thereof as shall be necessary and convenient for Demesne or Mensal Lands to him and his Successors for ever, which Lands so set apart shall for ever thereafter be deemed and taken for the Demesne or Mensal Lands of such Ecclesiastical Person and his Successors; and where the present Demesne or Mensal Lands or any Portion thereof are situate at an inconvenient Distance from the said Mansion House or Cathedral Church, it shall be lawful for such Ecclesiastical Person, having, with such Consent as aforesaid, appropriated other Lands more convenient for him and his Successors, in lieu thereof, to demise such former Demesne or Mensal Lands, being of equal Value with the Lands set apart, for such Estate or Interest, and under and subject to such Rents, Reservations, Terms, and Conditions, as he or they might have demised the Lands so set apart as aforesaid.

Disappropriation of unnecessary Demesne Lands.

And with respect to the Disappropriation of unnecessary Demesne Lands, be it enacted as follows:

LV. That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall, on the Application of any Archbishop, and the Archbishop of the Province shall, on the Application of any Bishop, grant a Commission to Five or more Persons, empowering them or any Three of them to view all the Demesne Lands

Lands of such Archbishop or Bishop, and to cause a Survey to be taken and a Map to be made thereof, and in such Map to distinguish and set apart such Part, not less than Two hundred and fifty Acres of the said Lands, as they shall judge fit and sufficient for a Demesne for an Archbishop or Bishop of that See, and the Nature and Quality thereof, and to certify the same under their Hands and Seals to the said Lord Lieutenant or Chief Governor or Governors, or to the Archbishop of the Province, in which Commission a Power shall be given to any One or more Justices or Justice of the Peace of the County wherein any Part of the said Demesne Lands shall be situate to administer an Oath to such Commissioners so appointed as aforesaid, justly and faithfully to execute the said Commission according to the best of their Skill and Knowledge, which Oath shall be so administered; and upon the Return of the said Commission, Certificate, and Map it shall be lawful for the said Lord Lieutenant or Chief Governor or Governors, or for the said Archbishop of the Province, by Writing under his or their Hand or Hands and Seal or Seals, to set out and settle a proper Demesne for such Archbishop or Bishop not containing less than Two hundred and fifty Acres, and to cause a Map thereof to be made and affixed to such Writing, which Writing and Map shall be lodged in the Council Office, and a Duplicate thereof shall be lodged in the Registry of the Diocese of such Archbishop or Bishop; and the said Lands so set out as Demesne Lands shall always from thenceforth be deemed to be the Demesne Lands belonging to the said Archbishop or Bishop and his Successors for ever; and that from thenceforth it shall be lawful for the said Archbishop or Bishop and his Successors to demise the remaining Part of the said former Demesne Lands for such Term or Terms as is hereinafter mentioned, that is to say, all such Lands as do not lie within any Town Corporate or Market Town, or within Half a Mile thereof, for any Term not exceeding Ninety-nine Years in possession, and all the Residue of such Lands for such Term of Years as by the Laws for the Time being in force he is empowered to demise other Lands belonging to his said See.

Reservation of Rents of Demesne Lands under this Act.

LVI. That in all Cases where by virtue of this Act any Portion of the Demesne or Mensal Lands belonging to any Ecclesiastical Person shall be demised, the full yearly Value of such Part of the said Demesne or Mensal Lands as shall be demised pursuant to this Act at the Time of making the said Demise shall be reserved by such Ecclesiastical Person, without Fine or Consideration; and that no more than Ten Acres Plantation Measure of such Part of the said Demesne or Mensal Lands as shall be within any Corporate or Market Town, or within Half a Mile thereof, shall be demised by such Ecclesiastical Person to or in trust for the Use or Benefit of any One Person.

LVII. That

Regulations as to the letting or demising Glebe Lands.

LVII. That it shall not be lawful for any Rector, Vicar, or Incumbent, or other Ecclesiastical Person, having a Glebe fit and convenient to be built upon for the Residence of him and his Successors, or whereon a convenient and suitable House of Residence has been or shall be built, or which shall lie so contiguous to the said House as to be conveniently made use of, for the same, to alien, let, or demise such Glebe or any Part thereof to any Person or Persons for any longer Term or Time than One Year from the making thereof, in possession, and not in reversion; and that every Alienation or Demise thereof for more than One Year shall be absolutely null and void to all Intents and Purposes whatsoever: Provided always, that in any Case in which any Rector, Vicar, or Incumbent shall have any Lands in right of his Benefice unsuitable for the Purposes of Residence, or exceeding Twenty Acres, that it shall be lawful for every such Incumbent, by Indenture, sealed and delivered by such Incumbent in the Presence of One or more Witness or Witnesses, and with the Consent of the Archbishop or Bishop of the Diocese under his Hand and Seal, such Consent being signified by way of Endorsement to be written on such Indenture, or by his being an executing Party thereto, to demise to any Person, being in the actual Occupation thereof, any Part or Parts of the Glebe Lands of the said Benefice unsuitable or unnecessary for Residence as aforesaid, either altogether or in Parcels containing not less than Ten Acres each, for any Term not exceeding Thirty-one Years, to take effect in possession, or so as any existing Lease shall be surrendered or expire within One Year from the Date thereof, and that a Counterpart thereof shall be executed, and duly registered in the Registry of the Diocese: Provided always, that in and by every such Lease there shall be reserved and made payable half-yearly the best Rent that can at the Time of making such Lease be obtained or reasonably be expected for the same, without taking any Fine or Premium or any Sums of Money or other Thing by way of Fine or Premium for making same: Provided also, that every such Lease not authorized or permitted by this Act shall be absolutely null and void to all Intents and Purposes whatever; and it shall be lawful for the Archbishop or Bishop of the Diocese, notwithstanding same, to exercise all Powers and Jurisdictions vested in him respectively by any Statute or otherwise relative to the enforcing the building of Houses of Residences, and changing the Sites thereof, and the Residence of the Clergy on their Benefices, anything herein to the contrary notwithstanding.

The SCHEDULE referred to in the foregoing Act.

THIS INDENTURE, made the Day of in the Year of our Lord between the Right Reverend Father in God Lord Bishop of of the One Part, and of the other Part: Whereas the said Bishop, pursuant to the Directions of an Act passed in the Fifteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to "consolidate and amend the Laws relating to Ecclesiastical Residences "in Ireland," hath determined to raise the Sum of £ , to be laid out and expended in building [rebuilding, *or* repairing, *as the Case may be*,] the Parsonage House [Vicarage, *&c. &c., as the Case may be*] of [*describing it*] [*or* in purchasing a House and Land for the Residence and Occupation of the Incumbent of the Rectory *or* Vicarage, *&c.* of]: And whereas the said hath agreed to lend and advance the Sum of £ upon a Mortgage of the Glebe, Tithes, Rentcharges, Rents, Profits, and Emoluments [*as the Case may be*] of said Benefice [*or* Perpetual Curacy], pursuant to the Directions and the true Intent and Meaning of the said Act: Now, this Indenture witnesseth, That the said Bishop, in consideration of the Sum of £ , paid at or before the sealing and delivering hereof into the Hands of , a Person [*or* Persons, *as the Case may be*,] nominated by the said Bishop to receive the same, pursuant to the Directions of said Act, and which Receipt of the said Sum of £ the said have [*or* hath] acknowledged by an Endorsement on this Deed, doth by these Presents grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, all the Glebe Lands, Tithes, Rentcharges, Rents, Compositions, Salaries, Stipends, Fees, and other Profits and Emoluments whatsoever arising or payable to the Incumbent of the said Benefice [*or* Perpetual Curacy] in respect thereof, with all the Rights, Members, and Appurtenances thereunto belonging, to have, hold, and receive and enjoy the said Premises unto the said his Executors, Administrators, and Assigns, from henceforth for the Term of Thirty-five Years fully to be complete and ended: Provided always, that if the Incumbent for the Time being of the said Benefice [*or* Perpetual Curacy] and his Successors shall, from and after the Expiration of the First Year of the said Term, yearly and every Year (such Year

to be computed from the Date hereof), pay to the said his Executors, Administrators, and Assigns, One Thirtieth Part of the Sum of £ , until the whole thereof shall be repaid, and at the End of the First and every succeeding Year pay Interest at the Rate of per Cent, per Annum on the said Sum of £ , or so much thereof as shall from Time to Time remain unpaid, according to the true Intent and Meaning of these Presents and of said recited Act, and also all Costs and Charges which shall be occasioned by the Nonpayment thereof, these Presents, and everything herein contained, shall be void: Provided always, that it shall be lawful for the Incumbent for the Time being of the said Benefice, and his Successors, peaceably and quietly to hold and enjoy the said Glebe Lands, Tithes, Rentcharges, Rents, Composition, Stipends, Fees, Profits, and Emoluments whatsoever arising or to arise from or in respect of the said Benefice [*or* Perpetual Curacy], until Default shall be made by him or them respectively in the Payment of the Interest and Principal, or some Part thereof, at the Times and in the Manner aforesaid. In witness, *&c. &c.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXIV.

An Act to amend an Act of the Eleventh and Twelfth Years of Her Majesty, relating to Poor Rate Poundage and the Valuation of Ecclesiastical Property in *Ireland;* and to provide for the Renewal of Leases of Lands disappropriated from Bishoprics. [7th *August* 1851.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church of* Ireland: And whereas the same was afterwards amended by subsequent Acts: And whereas by an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to empower Lessees of Tithe Rentcharges in* Ireland *to deduct a Proportion of Poor Rate Poundage from Rent, and also to empower the Ecclesiastical Commissioners in* Ireland *to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act*

3 & 4 W. 4. c. 37.

11 & 12 Vict. c. 80. s. 2.

of

of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in Ireland, it is amongst other things enacted, that from and after the passing of the said secondly-recited Act it should be lawful to and for the said Ecclesiastical Commissioners, in and from the Valuation made or to be made of any Ecclesiastical Property for the Purpose of imposing the Rate, Tax, or Assessment required by the said first-recited Act, in addition to the Charges specified as Deductions in the said first-recited Act, to deduct also such Amounts or Sums as the said Commissioners should ascertain as proper to be deducted from such Valuation for or on account of any County Cess, or Poor Rate or Poundage Rate for the Relief or Employment of the Poor, or for repaying any Advances made for those Purposes, and paid or payable in respect of such Ecclesiastical Property, such Deductions by the said Commissioners to be made according to a Return of County Cess paid in respect of such Property and of the Rates struck in the Electoral Division or Divisions within which such Property may be situate during the Half Year ending on the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax should be demanded: And whereas the Provision in the said secondly-recited Act contained, whereby the Deduction thereby directed to be made from the Valuation made or to be made of any Ecclesiastical Property for the Purpose aforesaid is required to be made according to a Return of the County Cess paid in respect of such Property and of the Poor's Rate struck in the Electoral Division or Divisions within which such Property may be situate during the Half Year ending the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax shall be demanded, has been found to operate unjustly, and it is expedient to amend the said secondly-recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Deductions to be made under secondly-recited Act to be calculated upon a yearly instead of a half-yearly Return.

I. That it shall and may be lawful for the said Ecclesiastical Commissioners, in making the Deductions by the said secondly-recited Act authorized to be made in and from the Valuations made or to be made for the Purpose of imposing the Rate, Tax, or Assessment required to be made as aforesaid, to ascertain and make such Deduction according to a Return of the County Cess paid in respect of such Property and of the Rate or Rates struck in the Electoral Division or Divisions within which such Property may be situate during the Year ending on the Thirty-first Day of *December* in each Year, and that the Amount of such Valuation so to be made, after allowing

allowing such Deduction, in addition to the Charges specified as Deductions in the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, shall be the Amount of the Valuation upon which the said Rate, Tax, or Assessment shall be imposed for the Twelve Months next ensuing, and that the First Valuation to be made under the Provisions of this Act shall be for the Purpose of imposing the Tax to become payable on the First Day of *January* next after the passing of this Act.

In Cases of Disappropriations of Rectories, Lands, or Glebes, &c. from a Bishopric, and the same being united to a Vicarage, &c., the Incumbent required to grant Renewals of Leases theretofore made by the Bishops of such See.

II. And whereas by the said recited Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, and by the several Acts to amend the same, the Lord Lieutenant and Privy Council in *Ireland* were authorized, with the Consent of any Archbishop, Bishop, Dean, Archdeacon, Dignitary, Prebendary, or Canon, or upon the Avoidance of their respective Bishoprics, Dignity, Prebend, or Canonry, to disappropriate from any such Spiritual Preferment as aforesaid any Rectory, Vicarage, Tithes, or Glebes, and to unite them to the Vicarages or Perpetual or other Curacies of the respective Parishes, so as that each such Rectory, Vicarage, Tithes, or Glebes, or Parts thereof, shall, with its respective Vicarage, Perpetual or other Curacy, form a distinct Parish or Benefice: And whereas by an Act of the Sixth and Seventh Years of His said Majesty, Chapter Ninety-nine, the said Provision is extended to Mensal and Demesne Lands: And whereas no Provision has been made for the leasing or granting Renewal Leases of any Lands, Tenements, or Hereditaments so disappropriated as aforesaid, and united to such Vicarages or Perpetual or other Curacies: And whereas by reason thereof the existing Interests of the Tenants of such Lands and Premises are much prejudiced by being deprived of the Power of obtaining Renewals of their Leases, and it is expedient that leasing Powers of like Nature as the leasing Powers which had theretofore existed in relation to such Lands and Premises previous to their Disappropriation should be exercised after their Disappropriation as aforesaid: Be it therefore enacted, That in all such Cases of Disappropriation as aforesaid it shall be lawful for the Incumbent of the Parish or Benefice to which any such Lands, Tenements, or Hereditaments so disappropriated as aforesaid shall have been so united, and he is hereby required, upon the Application of the respective Lessees, Assignees, or Tenants of such Lands or Premises, to accept a Surrender of any subsisting Lease of the same, and to demise anew the Lands, Tenements, or Hereditaments therein comprised, for such like Term or Interest as shall have been granted therein by the Lease so surrendered, or as the Archbishop, Bishop, or other such Ecclesiastical Person as aforesaid shall have had the Power of granting or demising

demising previously to such Disappropriation, reserving by such new Lease the annual Rent or Rents theretofore reserved out of the said Lands, Tenements, and Hereditaments by the Lease so surrendered, and receiving for and in consideration of making such new Lease Payment of such Fine as may be equal to the average Amount of Renewal Fines theretofore paid or agreed to be paid, or customarily paid or payable, for the Renewal of the Lease or Interest in such Lands, Tenements, or Hereditaments, such annual Rent or Rents, and average Amount of such Renewal Fines, to be ascertained by all such and the like Means as by the said first-recited Act provided in Cases of Renewals made by the Ecclesiastical Commissioners for *Ireland* of Leases of Lands theretofore belonging to a Bishopric, and subject to like Provisions, Restrictions, and Limitations as in the said Act contained in relation to such last-mentioned Renewals by the said Commissioners; and it shall be lawful for the respective Tenants, Lessees, or Under-tenants of any such Lands, Tenements, or Hereditaments so disappropriated to apply to the Incumbent of the Benefice to which the same shall have been so united, and also to the Ecclesiastical Commissioners for *Ireland*, for the Purchase of a perpetual Estate and Interest of and in any such Lands or Premises customarily leased, in like Manner as such Tenants, Lessees, or Under-tenants respectively could or might have applied to the Bishop of such Diocese and to the said Ecclesiastical Commissioners by virtue of the said Acts relating to the Temporalities of the Church in *Ireland*, or any of them, in case such Lands or Premises had not been so disappropriated; and in case of any such Application all such and the like Proceedings shall be had as by the said Acts or any of them prescribed in the Case of any Application for the Purchase of the Fee Simple and Inheritance of and in any Lands belonging to any Bishopric, save that in such Case the Incumbent of the respective Benefice to which such Lands or Premises shall have been so united shall in all such Proceedings be substituted for and in the Place of the Bishop of the Diocese from which the said Premises shall have been so disappropriated: Provided always, that if any Lessee, Assignee, or Tenant of any Lands, Tenements, or Hereditaments so disappropriated as aforesaid shall surrender the same and his Interest therein and in the Lease or Demise thereof to the Incumbent for the Time being of the Parish or Benefice to which the same shall have been so united, or to any One on behalf of or in trust for such Incumbent, in order to terminate the said Lease or Demise without obtaining any Renewal thereof, or for the Purpose of augmenting the Income of such Benefice, nothing herein contained shall in any such Case extend to authorize or empower the Incumbent of any such Parish or Benefice, or his Successors, at any Time or Times thereafter to demise again or lease the said Lands, Tenements, or Hereditaments so surrendered

as

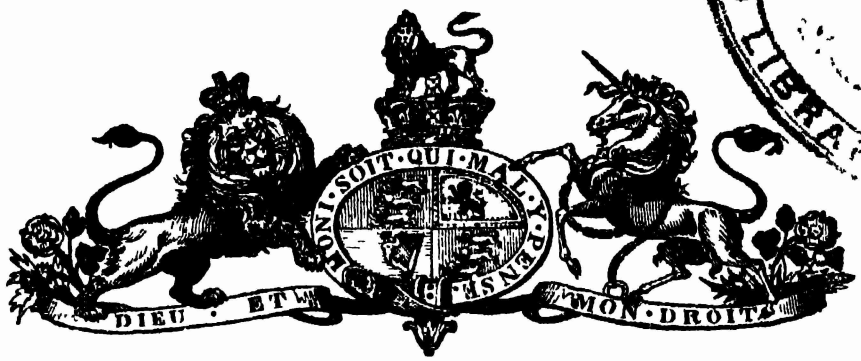
as aforesaid, or any Part thereof, to any Person or Persons whomsoever.

III. And whereas by an Order of the said Lord Lieutenant and Privy Council, under the Provisions of the said first-recited Act, certain Lands, Tenements, and Hereditaments theretofore belonging to the Bishopric of *Down, Connor, and Dromore* have been disappropriated from the said Bishopric, and have been united and annexed to certain Vicarages in the said Order mentioned: And whereas, for the Purpose of the Liquidation of a certain Charge upon the said Bishopric in respect of certain Buildings and Improvements upon the Lands of the said See, it was by the said Order in Council provided, that the now Bishop of *Down, Connor, and Dromore*, and his Successors, should continue to receive the Revenues of the Lands, Tenements, and Hereditaments so disappropriated from the said Bishopric for a certain Period of Time in the said Order mentioned in that Behalf: And whereas it is expedient to provide for the Renewal of Leases of such Lands, Tenements, and Hereditaments in the Interval of Time to elapse before the Expiration of such Period: Be it therefore enacted, That during the said Interval of Time to elapse before the Expiration of the said Period in the said Order mentioned, it shall be lawful for the now Bishop of *Down, Connor, and Dromore*, and his Successors, notwithstanding such Disappropriation as aforesaid, to exercise, by and in his or their own Name and Right, all such Powers of leasing and demising of the said Lands, Tenements, and Hereditaments so disappropriated from the said Bishopric of *Down, Connor, and Dromore*, as before the said Disappropriation a Bishop of the said Diocese might have had and exercised; and in the Case of any such last-mentioned Lands, Tenements, or Hereditaments so disappropriated, and being demised by Leases customarily renewed from Time to Time, it shall be lawful for the said now Bishop and his Successors to accept Surrenders of such Leases, and to make new Leases or Renewals of the same respectively, in like Manner to all Intents and Purposes as, in case the said Disappropriation had not been had and made as aforesaid, the said Bishop and his Successors would have been authorized and empowered to do in respect of any Lands or Premises belonging to such Bishopric; and such Leases or Renewals shall be as good and valid to all Intents and Purposes as if such Disappropriation had not been had and made as aforesaid: Provided always, that from and after the Expiration of the said Period of Time in the said Order mentioned as aforesaid all Rent, Covenants, and Reservations reserved or made payable by or contained in any such Lease or Renewal made as last aforesaid shall become and be payable to and enure for the Benefit of the Incumbent or Incumbents of the Benefice or respective Benefices to which the said

Power to the Bishop of Down, &c. to renew Leases of certain disappropriated Lands.

said Lands, Tenements, or Hereditaments in such Lease or Renewal comprised have by the said Order in Council been so united and annexed, and his and their Successors in such Benefice or Benefices, who shall have all such Remedies for enforcing Payment, or Performance of such Rent, Covenants, and Reservations, as if the same had been expressly made payable or reserved to or covenanted with or by such Incumbent or respective Incumbents, or his or their Successors.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.
O



LIBRARY

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Deputy Chairman to appoint in like Manner some other Person to such Office; and every such Chairman and Deputy Chairman shall hold his Office during Her Majesty's Pleasure.

Salary of Chairman.

II. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary not exceeding One thousand Pounds by the Year to be paid to the Chairman for the Time being of the said Commissioners; and such Salary shall be paid out of the Monies applicable to the Payment of the general Expenses of the said Commissioners.

The Chairman or Deputy Chairman to preside at Courts of Sewers.

III. The Chairman for the Time being appointed under this Act shall be the Chairman at every Court of Sewers to be holden under the said Acts at which he is present, and in his Absence the Deputy Chairman for the Time being appointed under this Act shall be such Chairman, and the Person presiding as Chairman shall have a Second or Casting Vote, as provided by the said firstly-mentioned Act.

Two Commissioners (One being the Chairman or Deputy Chairman) to be a Quorum (except as after mentioned).

IV. Such of the said Commissioners as shall be present at any Court of Sewers, the Chairman or Deputy Chairman being One of the Commissioners present, and the Number of Commissioners present being not less than Two, may exercise and perform all the Powers, Authorities, and Duties vested in the Commissioners, except as herein-after provided; and if Two of such Commissioners, or such Chairman or Deputy Chairman, be not present within One Hour after the Time appointed for holding any Court of Sewers, such Court may be adjourned in manner provided by the said first-mentioned Act in case Six Commissioners be not so present; and where under the said Acts the Signatures of Six of the Commissioners is required to any Rate, Warrant, or other Matter, except as herein-after provided, it shall not be requisite for the same to be signed by more than Two of the Commissioners under this Act, but the Chairman or Deputy Chairman shall be One of the Commissioners by whom the same shall be signed.

Rates to be made and Mortgages authorized by no less than Six Commissioners (the Chairman being One).

V. Provided always, that no District or Special Sewers Rate shall be made except at a Court at which not less than Six Commissioners shall be present, of whom the Chairman shall be One, and shall be signed by not less than Six Commissioners, of whom the Chairman shall be One; provided also, that no Rate or Rates amounting to more than Threepence in the Pound shall be made by the said Commissioners; and no Money shall be borrowed, nor shall any Mortgage be made or Annuity granted, by the said Commissioners, except in pursuance of an Order of a Court at which not less than Six Commissioners shall be present, of whom the Chairman shall be One.

VI. The

Metropolitan Sewers.

VI. The said firstly-mentioned Act, and so much of the said secondly-mentioned Act as would expire at the End of the present Session of Parliament, as amended by this Act, and this Act, shall continue in force for One Year next after the passing of this Act, in like Manner as if the Time so limited had been the Time originally limited by the said firstly-mentioned Act for the Continuance thereof.

Metropolitan Sewers Acts (11 & 12 Vict. c. 112., 12 & 13 Vict. c. 93.) to continue in force for One Year.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

charged from all Rights of Common, and from all manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, such Quantity of Land in the said Forest as shall amount to Six thousand Acres, such Inclosures, when the Woods and Trees growing therein have become past Danger of browsing of Deer or Cattle or other Prejudice, to be laid open, and other Lands of equal Quantity to be thereupon inclosed in lieu thereof, and so from Time to Time in manner in the said Acts or One of them particularly provided: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Deer to be removed within Two Years.

I. That the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or such Officers or Officer of Her Majesty as the said Commissioners shall order, shall, with all convenient Speed, and within Two Years from the passing of this Act, remove or cause to be removed all Her Majesty's Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct,

The Right to keep Deer in the said Forest to cease.

II. That when such Deer shall have been so removed the Right of Her Majesty, Her Heirs and Successors, to keep Deer in the said Forest, shall absolutely cease.

In lieu of such Right, Her Majesty empowered to inclose not exceeding 10,000 Acres, in addition to the 6,000 Acres already inclosed.

III. That it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to inclose, sever, and improve, and plant with Trees of any kind, within and out of the Waste Lands of the said Forest, in whole or in part, any Quantity of Land not exceeding Ten thousand Acres in the whole, in addition to the Six thousand Acres already in Inclosure, or which shall be inclosed as aforesaid in the said Forest under or by virtue of the Acts of Parliament in that Behalf herein-before mentioned, and so that there shall not be more than Sixteen thousand Acres (inclusively of the said Six thousand Acres in the said Forest) inclosed and held in Severalty as aforesaid at One and the same Time, and such Inclosures shall be made under and by virtue of a Commission or Commissions to be from Time to Time granted and issued by Her Majesty for that Purpose, and each of such Commissions shall be directed to Six or more such Persons as Her Majesty shall think fit, whereof Two in each Commission shall be Justices of the Peace for the said County of *Southampton*, and shall not be Officers of such Forest; and any such Commission may be revoked and renewed, as Her Majesty, Her Heirs and Successors, may think fit; and any new Commissioner may be appointed by Her Majesty, Her Heirs and Successors, under Sign Manual, on the Death, Resignation, or Incapacity of any Commissioner;

sioner; and such Inclosures shall be set out and made from and out of such Parts or Places in the said Forest (other than and except such Lands as have been drained with Tiles by Money received by the Crown from the *Southampton and Dorchester* Railway Company in compensation for Portions of the Forest taken by the Company for the Purpose of their Works) as shall be found or ascertained by the said Commissioners, or any Three or more of them, (One whereof shall be One of the said Justices,) to be most convenient to be inclosed, and to be best adapted for the Growth and Produce of Timber or other Trees, and may be best spared from the Commons and Highways of the said Forest; which said Inclosures shall be admeasured by a sworn Surveyor, and set out and inclosed, butted and bounded, and the Quantities, Butts, and Boundaries thereof returned into the Office of Land Revenue Records and Enrolments, there to remain of Record for ever.

Such Inclosures to remain in Severalty in the Possession of the Crown, freed from all Rights of Common and other Rights.

IV. That the said Inclosures so made and set out as aforesaid shall remain in Severalty in the actual Possession of the Crown, freed and discharged of and from all Rights of Common, and of and from all manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, during the Period of the same remaining so inclosed for the Growth and Preservation of Timber and Trees, and until the same or any Part thereof shall be laid open, under the Provisions herein-after contained, and shall be made and reputed a Nursery or Nurseries for Timber or Trees only.

When Trees within the Inclosures are past Danger of browsing of Cattle or other Prejudice, such Inclosures to be thrown open, and new Inclosures made in lieu thereof.

V. That at all Times hereafter, whenever the Lord High Treasurer or Commissioners of the Treasury, or Chancellor of the Exchequer, for the Time being, shall be satisfied, and shall determine that the Woods and Trees which shall be growing within any of the said Inclosures made or to be made under and by virtue of the said recited Acts or this Act, or any of them, are become past Danger of browsing of Cattle or other Prejudice, and shall think fit to lay the same or any Part thereof open and in Common, and shall cause the same so to be done, that then and so often it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to inclose, and plant with Trees, in lieu of so much of the Inclosure as shall be so laid open, the like Quantity out of any other Part of the Residue of the Wastes of the same Forest, to be set out by like Commission and Admeasurement as aforesaid, and to be holden inclosed, freed and discharged of and from all manner of Common and other Rights as aforesaid, for so long Time as the same shall continue inclosed, according to the Direction, Purport, and Intent of this Act, to be a Nursery or Nurseries for Timber and other Trees as aforesaid, instead of so much as shall be laid open according to the Direction aforesaid.

VI. And

Expense of Inclosures to be defrayed by Sale of decayed or other Trees (not being Ship Timber).

VI. And for the making and maintaining the said Inclosures so to be set out and made as aforesaid, and for defraying the Charges thereof, the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being shall from Time to Time set out, fell, and dispose of so many decayed or other Trees in such Forest (not being Ship Timber) as shall be necessary to make and maintain the said Inclosures, and defray the Expense thereof.

Saving Her Majesty's Rights, except as regards the keeping of Deer.

VII. Provided always, That, notwithstanding the Removal of the Deer, and the Extinguishment of the Right to keep Deer therein, the said Forest shall to all Intents and Purposes whatsoever remain vested in Her Majesty, Her Heirs and Successors, in like Manner and to the same Extent as it was immediately before the passing of this Act; and nothing in this Act contained, or which may be done in pursuance thereof, shall be held to take away, alter, or affect any Rights or Privileges whatsoever of Her Majesty, Her Heirs or Successors, in, over, or upon the said Forest (other than the Right of keeping Deer therein), or to take away, alter, or affect the Right of Her Majesty, Her Heirs or Successors, to any Lands already inclosed within the said Forest, by reason that the same were or shall be alleged to have been continued and preserved for the Purpose of producing Hay for the Use of the Deer kept within the said Forest, or otherwise, and so that the same may, on behalf of Her Majesty, Her Heirs and Successors, be let or occupied in any Manner and for any Purpose whatsoever.

Power to Commissioners of Woods, &c. to lease Parts of the New Forest.

VIII. And whereas by the Removal of the Deer and otherwise various Lodges, Lodge Grounds, and other Tenements now or heretofore occupied by Keepers or other Officers of Her Majesty in or for the said Forest will no longer be required to be so occupied, and it is expedient that the same should be let to the best Advantage: But, inasmuch as the Powers of leasing given by the Act, Tenth of *George* the Fourth, Chapter Fifty, are by such Act declared not to extend to the demising or leasing of any of the Royal Forests, Parks, or Chases in *England*, or any Part or Parcel thereof, be it declared and enacted, That the Powers of leasing given by the said last-mentioned Act shall henceforth extend and be construed to extend to enable the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to demise or lease all or any Parts or Part of the *New Forest* the Soil and Freehold of which now is or hereafter may be permanently vested in Her Majesty, Her Heirs and Successors, discharged of all Common and other Rights of the Subject in and over the same: Provided always, that such Power of letting shall

not extend to any Portion of the Lands for the Time being inclosed, under the Authority of the said recited Acts or of this Act, for the Growth of Timber or other Trees.

Her Majesty may grant Licences to sport over the New Forest.

IX. That it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Royal Sign Manual, to give and grant Licences to any Person or Persons to hunt, hawk, fish, and fowl upon and over the said Forest.

Commissioners of Woods and Forests to give Notice in London Gazette requiring all Persons claiming Rights to deliver in their Claims to the Verderers.

X. And whereas divers of Her Majesty's Subjects claim Common of Pasture, Common of Turbary, and Common of Estovers, and certain Rights of Pannage, and to dig Gravel, Sand, and Marl, and cut Fern, Heath, and Furze, in and upon the *New Forest:* And whereas great Doubt and Uncertainty exists as to the Extent of the said Rights or Claims, and as to the Persons entitled to exercise the same: And whereas it is expedient to provide for a due Registration of the said Rights and of the Persons so entitled, and an easy and economical Mode of adjudicating upon and finally settling all such Claims: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, and they are hereby required, within Three Calendar Months from the passing of this Act, to cause Notice to be given in the *London Gazette*, and in Two or more Newspapers usually published and circulated in the County of *Southampton*, requiring all Persons having or claiming any Right of Common of Pasture, Right of Common of Turbary, Right of Common of Estovers, or any Right of Pannage, or to take or dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, in, upon, or over the said Forest, to deliver such Claims in Writing to the Verderers for the Time being of the said Forest at a Meeting to be held by the said Verderers for that Purpose on a Day to be specified in the said Notice, the said Day so specified for the said Meeting not being less than Six nor more than Nine Calendar Months from the Day of Insertion of the said Notice in the *London Gazette*.

Verderers to hold a Meeting to receive Claims.

XI. That the said Verderers for the Time being, or any Two or more of them, shall on the Day specified in the said Notice proceed to hold a Meeting at *Lyndhurst* in the said Forest to receive the said Claims, and shall have Power to adjourn the said Meeting from Time to Time as to them may seem expedient, giving such public Notice of such Adjournment as to them or any Two of them may appear reasonable.

At such Meeting Persons claiming Rights to

XII. That all Persons having or claiming any Right of Common of Pasture, Common of Turbary, Common of Estovers, or any Right of Pannage, or to dig or take Gravel, Sand, or Marl, or cut Fern, Heath,

deliver in their Claims in Writing to the Verderers.

Heath, or Furze, in, over, or upon the *New Forest*, shall at the said Meeting prefer and deliver to the Verderers their Claims in Writing, to be signed by them or their Agent lawfully appointed thereto, distinctly specifying the Nature, Extent, and Particulars of the Claim preferred, the Quantity and Locality of the Lands or Tenements in respect of which such Claim is made, the Rents or other Payments or Acknowledgments due or payable to Her Majesty for or in respect of such Rights or Claims, and the Estate or Interest which they have respectively in such Lands or Tenements, and mentioning therein the Places of Abode of the respective Claimants, or their Agents, at which Notices in respect of such Claims may be delivered; and no Claim shall be received by the Verderers after the Day of the said Meeting, or the last Day of Adjournment thereof.

Claims to be entered in a Book.

XIII. That all Claims preferred and delivered to the Verderers at the said Meeting, or any Adjournment thereof, shall be entered by the Clerk of the Verderers in a Book to be kept for that Purpose, and each Claim and the Entry thereof shall be numbered in consecutive Order; and the said Book, when completed, shall be signed by the Verderers, or any Two or more of them, and shall be countersigned by the said Clerk.

Two Copies of the Book containing Claims to be made and deposited.

XIV. That Two Copies of the said Book so completed shall be made, each of which shall be signed by the said Verderers, or any Two or more of them, and countersigned by the said Clerk, One whereof shall be deposited within One Month of the said Signature in the Office of Land Revenue Records and Enrolments, and the other with the Clerk of the Peace for the County of *Southampton*.

Claims not preferred to be absolutely barred.

XV. That every Claim not preferred as aforesaid at the said Meeting, or some Adjournment thereof as aforesaid, shall be and hereby is absolutely barred and extinguished.

In Cases of Infancy or Lunacy, &c. Guardians or Trustees may act.

XVI. That wherever any Person entitled to claim any Right of Common of Pasture, Common of Turbary, Common of Estovers, or Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, shall be an Infant, Lunatic, Idiot, Feme Covert, or under any other legal Disability, or beyond the Seas, the Guardian, Trustee, or Committee of the Estate, Husband, or Attorney respectively, may prefer and subscribe such Claim in as full and ample Manner as any Person interested may do, or in default thereof such Person as may be nominated for that Purpose by the said Verderers, or any Two of them, and whom they are hereby empowered to nominate under their Hands, shall be substituted for the Purposes of making the said Claim, and for all other Purposes of this Act, in the Place of such Person so under Disability or Incapacity as aforesaid.

XVII. That

XVII. That within One Month after the Register as aforesaid shall have been so signed by the Verderers, and countersigned as aforesaid, an Abstract of the Claims, stating the Number of the Claim, and the Name and Abode of the Claimant, and the Land or Tenements in respect of which he claims, and the Subject Matter of the said Claim, shall be inserted in the *London Gazette*, and published for Two consecutive Weeks in some Two or more of the Newspapers usually published or circulated in the County of *Southampton*, and Copies of such Abstract shall be printed and furnished by the Clerk of the Verderers to all Persons claiming any of the aforesaid Rights, on Application for the same, and on Payment of the Sum of One Shilling for every such Copy.

Abstract of Claims to be published in London Gazette.

XVIII. That it shall be lawful for any Person who shall have been inserted in the Register as having made any Claim, either on his own Behalf or on behalf of any other Person, to object to any Claim so preferred and registered as aforesaid.

Claims, when preferred, may be objected to.

XIX. That within Three Months after the last Publication of the said Claims the said Verderers, or any Two of them, shall hold a Meeting at *Lyndhurst* aforesaid to receive all such Objections, Notice of which Meeting shall be given by advertising the same in the *London Gazette*, and in any Two or more Newspapers usually published or circulated in the said County, and by such other Means (if any) as the Verderers shall direct, One Calendar Month at least before the said Meeting, and the said Verderers shall have Power from Time to Time to adjourn the said Meeting.

Verderers to hold a Meeting to receive Objections to Claims.

XX. That no Objection to any Claim shall be received by the said Verderers after the said Meeting to be held for that Purpose, or some Adjournment thereof.

No Objection to be received after the Meeting held for that Purpose.

XXI. That every Person who shall object to a Claim shall deliver his Objection in Writing to the Verderers at their said Meeting or some Adjournment thereof, and shall deliver a Duplicate of the said Objection at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive such Objections.

Objections to be delivered in Writing.

XXII. That every Objection so delivered to any Claimant as aforesaid, or to the said Verderers, shall be signed by the Party objecting, or his Agent thereto duly authorized, and shall specify the Place of Abode of such Objector or such Agent (except in the Case of an Objection made on behalf of Her Majesty), the Number of the Claim made by such Objector, and the Number of the Claim so objected to.

Objections to be signed by the Party making them.

XXIII. That

Objections to be entered in a Book.

XXIII. That all Objections preferred as aforesaid shall be entered in a Book in the same Manner as such Claims are hereby directed to be entered, and shall be signed by the said Verderers, and countersigned by their Clerk.

Duplicates of Objections to be deposited the same as Duplicates of Claims.

XXIV. That Copies or Duplicates of such Objections shall be made and deposited in like Manner as the Copies of the Register of Claims are directed to be made and deposited.

Registers of Claims and Objections to be completed within Two Years.

XXV. That the said Register of Claims and Objections shall be completed by the said Verderers within Two Years from the Date of the Insertion in the *London Gazette* by the said Commissioners of Woods, Forests, and Land Revenues of the Notice requiring the said Claims to be made.

Claim not objected to to be allowed by the Verderers.

XXVI. That all Claims not so objected to as aforesaid shall be allowed by the Verderers, and shall be good and valid in Law, and shall not be questioned or impeached in any Proceeding in Law or Equity.

In Cases of Claim not objected to the Verderers to enter Memorandum on the Register of Claims.

XXVII. That in case any Claim of Right of Common of Pasture, Common of Turbary, Common of Estovers, or Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Furze, or Heath, shall not be objected to, the Verderers shall enter a Memorandum to that Effect on the Register of Claims, and the Clerk of the Verderers shall deliver to any Person applying for the same, on Payment of the Sum of Five Shillings, a Certificate under his Hand of such Memorandum having been made, which Certificate purporting to be so signed shall be Evidence in all Courts that such Claim was not objected to as aforesaid.

Commissioners of Woods, &c. to prefer any Claim in respect of any ancient inclosed Lands, &c.

XXVIII. That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to prefer any Claim in respect of any ancient inclosed Lands or Tenements of Her Majesty, or in respect of any Purchases made by or on behalf of the Crown, and it shall be lawful for the said Commissioners, on behalf of Her Majesty, to object to all or any of the Claims which may be preferred and registered as aforesaid.

Clerk of Verderers to deliver all Claims objected to and all Objections to Claims to Clerk of County Court.

XXIX. That after the Register of Objections is completed as aforesaid the Clerk of the Verderers shall and he is hereby required within One Calendar Month to deliver all Claims objected to, and all Objections to such Claims, to the Clerk of the County Court of *Southampton* at the Office of the County Court in the Town and County of the Town of *Southampton*,

XXX. The

XXX. The Judge of the said County Court shall and he is hereby required to hold a Court or Courts at such Place or Places in or in the immediate Vicinity of the said Forest as he may deem most convenient for the Purpose of hearing and determining such Objections, such Court to be held after One Month's Notice of the Time and Place of holding the Court shall have been given in the Mode in which Notice is now given of holding any County Court.

Judge of County Court to hold Courts in the Vicinity of the Forest.

XXXI. That at the Time of giving the said Notice the Judge shall cause to be prepared a List showing what particular Claims are to be heard by him at the said Court, which List shall be published in Two of the Newspapers usually published and circulated in the said County, and by such other Means (if any) as the said Judge shall direct, Fourteen Days at the least before the holding of the said Court.

List to be prepared of Claims to be heard by Judge.

XXXII. That the Judge and Officers of such County Court shall have such and the like Jurisdiction, Power, and Authority to try and decide such Claims, and to give full Effect to the Decree of the Court therein, as are or may be by Law provided in respect of any Matter over which the said County Court has or may have Jurisdiction; and the Parties claiming and objecting shall have the like Rights and Privileges, both as to Appeal and otherwise, as they now or may have in respect of any Action brought in the said Court.

Judges, &c. of County Court to have same Powers and Jurisdiction to decide Claims as they have in respect of other Actions.

XXXIII. That the Party claiming any Right of Common of Pasture, Common of Turbary, Common of Estovers, Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, shall be Plaintiff, and the Party objecting to such Claim shall be Defendant; that the Judge shall or may allow or disallow the Claim in all or part, and may amend or correct the Claim in all or in part, and make such Order therein as to him shall appear just, and may award to either Party such Costs, including the Expenses of Counsel and Attorney, as to him may seem reasonable, any Provision limiting the Power of the said Judge as to the Amount of Costs by any Act now in force to the contrary notwithstanding.

Parties claiming and defending to be deemed Plaintiffs and Defendants.

XXXIV. That the Decision of the said Judge in and upon any such Claim and Objection, subject to the Power of Appeal as aforesaid, shall be final and conclusive.

Decision of Judge to be final.

XXXV. That after the Decision upon any Claim the Judge of the County Court shall transmit the Claim, with his Decision endorsed

Judge to transmit Claims and his Decision

thereupon to the Verderers.

endorsed thereon, to the Verderers, who shall at any Meeting to be held by them amend the Register by striking out or amending any Claim that has been disallowed or amended, inserting in the Margin thereof the Fact and Date of such Disallowance or Amendment by the said Judge; and in the Case of any Claim allowed by the said Judge, either wholly or in part, after such Objection made as aforesaid, shall make a like Memorandum of the Fact of such Allowance either wholly or in part as aforesaid; and a Duplicate of such Register as amended shall be transmitted to the Office of Land Revenue Records and Enrolments, and to the Clerk of the Peace for the said County.

Register of Claims or a Copy thereof to be Evidence.

XXXVI. Such Register, or any Copy or Extract thereof duly certified by the Clerk to the Verderers, by the Keeper of the Land Revenue Records and Enrolments, or by the Clerk of the Peace, shall be received as Evidence in all Courts of Law and Equity, without any Proof of the Handwriting of the Clerk of the Verderers, Keeper of Land Revenue Records and Enrolments, or Clerk of the Peace so certifying the same, and shall be final and conclusive as to the Rights therein specified.

Providing Fund for defraying Expenses.

XXXVII. And for providing a Fund for the Payment of the Expenses incident to the Registration of the said Claims and Objections, and the Decisions upon such Claims as aforesaid, be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, from Time to Time to sell and dispose of such Part or Parts of the Open or Waste Lands of the said Forest as the said Commissioners and any Two Verderers for the Time being of the said Forest may deem most convenient and desirable to be sold, and thereby to raise any Sum of Money not exceeding in the whole the Sum of Two thousand Pounds; and the Purchase Money to arise from the said Sales shall be paid to the said Commissioners, or as they shall direct, and shall be by them applied in discharging the said Expenses as herein-after provided; and the Receipt of the said Commissioners for the Purchase Money shall be good and sufficient Discharges to all Persons purchasing, who shall not be bound to see to the Application thereof, or to inquire whether the Verderers of the said Forest did or did not assent to the Sale.

Judges and Officers of County Court to receive Remuneration out of

XXXVIII. That it shall be lawful for the Commissioners of the Treasury for the Time being to order the said Commissioners of Woods, Forests, and Land Revenues to pay thereout to the said Judge of the County Court, and to the Officers of the said Court, and

and to the Clerk of the Verderers, such Sums as the said first-mentioned Commissioners may deem a reasonable and sufficient Remuneration for the Services rendered by the said Judge, Officers, and Clerk respectively, beyond all Expenses incurred by them respectively in carrying this Act into effect.

Funds provided to defray Expenses.

XXXIX. That it shall be lawful for any Person to demand from the Clerk of the Verderers, the Keeper of the Land Revenue Records and Enrolments, and the Clerk of the Peace a certified Copy or Extract of the said Register, on Payment of any Sum not exceeding the Rate of Fourpence a Folio of Seventy-two Words.

Certified Copies of Register to be provided when required.

XL. That any Person may inspect the Registers so deposited as aforesaid on Payment of One Shilling for each Inspection.

Inspection of Registers.

XLI. That any Person forging any Register or Certificate, or any Claim or Objection, or uttering any such Register, Certificate, or Claim or Objection, knowing the same to be forged, shall be guilty of a Misdemeanor, and shall be liable to be transported for Seven Years, or to be imprisoned with or without Hard Labour for any Term not exceeding Two Years.

Penalty for forging Register or Certificates.

XLII. That for the Purposes of this Act the Under Steward or Acting Under Steward for the Time being of the said Forest shall be Clerk to the Verderers, and in case of his Illness, Absence, Incapacity, or Refusal to act, or in case of the Vacancy of the Office of Under Steward, it shall be lawful for the said Verderers from Time to Time to appoint another Person, being an Attorney of One of the Superior Courts of Record, and practising as such, to be their Clerk for the Purposes of this Act, who shall remain in Office until he shall resign the same, or be removed therefrom by the said Verderers.

Clerk to the Verderers.

XLIII. That every Inclosure to be from Time to Time made and set out by or on behalf of Her Majesty from the Waste Lands of the said Forest, by virtue of any Commission hereafter to be issued for the Purpose either under the Authority of this Act or of the said recited Acts, shall be of the Extent of Three hundred Acres at the least, exclusive of the Site of any public Roads, Ways, or Paths which may intersect such Inclosure.

Extent of Inclosure on behalf of Her Majesty.

XLIV. And whereas by the One hundredth Section of the Act of Parliament of the Tenth Year of King *George* the Fourth, Chapter Fifty, it was enacted, that from and after the passing of that Act all such unlawful Inclosures, Purprestures, Encroachments, and Tres-

10 G. 4. c. 50.

passes

passes which should have been wilfully made or caused or procured to be made by any Person or Persons in and upon any of the Royal Forests, or should be wilfully held, occupied, and made use of by any Person or Persons subsequently occupying or claiming the same, (save and except such as should have been demised or sold, or in respect of which any Treaty for a Demise or Sale should or might be pending, under certain Provisions for that Purpose therein contained,) should and might be inquired of by the Verderers of the respective Forests within which such unlawful Inclosures, Purprestures, Encroachments, or Trespasses should have been made, in the Courts of Attachment of the said Forests respectively, and the Person or Persons guilty of making, continuing, and renewing any such unlawful Inclosure, Purpresture, Encroachment, or Trespass, save as aforesaid, should and might be prosecuted for the same in the said Court or Courts, and upon Proof being made thereof on the Oath of One credible Witness the Verderers of the said respective Forests, or any Two of them present at the said Court or Courts, should have Power and they were thereby authorized to fine any Person or Persons so offending for every such Offence any Sum not exceeding Twenty Pounds, to be recovered and applied in manner therein-after provided, and to order and direct every such unlawful Inclosure, Purpresture, Encroachment, and Trespass, save as aforesaid, to be abated by the Regarders, Under Foresters, Under Keepers, or other Officers of the said Forest respectively, who were thereby authorized and empowered to abate the same accordingly; but in the said Statute was contained a Provision, that in case it should be insisted upon by any Person or Persons who should be proceeded against in any of the said Attachment Courts as therein-before directed, that the Place wherein the Inclosure, Purpresture, Encroachment, or Trespass should have been or should be alleged to have been made was not within the Boundaries of any of the said Forests, or within the Lands belonging to His Majesty within the same, the said Verderers should not proceed to Conviction, but should certify the Presentment of such Offence to His Majesty's Attorney General, to the end that such Proceeding might be had therein, by Information or otherwise, as by Law might have been had before the passing of the said Act: And whereas, owing to the Delay and Expense attending Proceedings by Information of Intrusion, it has been found that the last-recited Exception or Provision enables Persons guilty of unlawful Inclosures, Purprestures, Encroachments, and Trespasses of small Extent or Value in effect to oust or avoid the Jurisdiction conferred on the Court of Attachments of the said *New Forest* in such Matters as aforesaid, by means of false or merely colourable Pleas that the Place in which the alleged Inclosure, Purpresture, Encroachment, or Trespass

Delay and Expense attending Proceedings by Information of Intrusion to suppress Encroachments.

Trespass was made is not within the Boundaries of the said Forest, or the Soil or Property of Her Majesty, to the Defeat or Obstruction of Justice: For remedying thereof, be it enacted, That in every Case of alleged unlawful Inclosure, Purpresture, Encroachment, or Trespass within the said Forest, wherein the Person charged therewith shall insist that the Land wherein the same may be alleged to have been made is not within the Boundaries of the said Forest, or is not the Soil or Property of Her Majesty, it shall be lawful for Her Majesty's Attorney General for the Time being to commence or prosecute an Action to try the Title to such Land in the County Court of the District in which such Land or any Part thereof is situate; and the Judge and Officers of such County Court shall have such and the same Jurisdiction, Power, and Authority to try and decide such Action, and to give full Effect to the Decree of the Court therein, as in and by the Act of Parliament of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Sixty-one, is contained and conferred with respect to Actions relating to the Title to Land in which both Parties have agreed, in manner by the said Statute provided, that the County Court shall have Power to try the same.

Encroachments may be dealt with and adjudicated upon by the County Court.

XLV. Provided always, That no such Action shall be commenced by Her Majesty's Attorney General unless and until a Certificate under the Hands of some Two of the Verderers of the said *New Forest*, or of some Two Justices of the Peace for the said County of *Southampton*, shall have been filed with the Clerk or other proper Officer of the County Court, certifying that it has been proved on Oath to the Satisfaction of any Two Justices of the Peace for the said County of *Southampton*, or of any Two Verderers of the said Forest, that the alleged unlawful Inclosure, Purpresture, Encroachment, or Trespass does not exceed the Value of One hundred Pounds: Provided also, that after any Judgment shall have been given in favour of the Crown in any such Action in the County Court as aforesaid it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or for the Verderers of the said *New Forest*, or any Two of them, either to proceed in the Matter of any such unlawful Inclosure, Purpresture, Encroachment, or Trespass as aforesaid in manner authorized and provided by the said Act of Parliament of the Tenth Year of King *George* the Fourth, Chapter Fifty, as if it had been admitted that the Land the Subject thereof was within the Boundaries of the said *New Forest* is the Property of Her Majesty, or to proceed to recover Possession of such Land on behalf of the Crown by means of the Officers and by force of the Jurisdiction of the County Court by which such Action shall have been decided.

No Action to be brought in County Court until Certificate first obtained that the Encroachment does not exceed the Value of 100*l.*

Saving Rights of Her Majesty.

XLVI. Provided that nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs or Successors, otherwise than as is especially provided for by this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXVII.

An Act to alter and extend the Powers of an Act of the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields *in the County of* Surrey. [7th *August* 1851.]

WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields *in the County of* Surrey, it was enacted, that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being should and might, with the Consent and Approbation of the Lord High Treasurer or of the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom for the Time being, form a Royal Park in *Battersea Fields* in the Parish of *Saint Mary Battersea* in the County of *Surrey*, and for that Purpose lay out and apply any Monies which should from Time to Time come into their Hands as such Commissioners as aforesaid from the Sale of any of the Possessions of the Crown, not exceeding in

9 & 10 Vict. c. 38.

in the whole the Sum of Two hundred thousand Pounds, in the Purchase of the Lands and Hereditaments required for the Purposes of the said Act, and in laying out and planting the same, and forming the Embankment and other Works therein-after mentioned, and carrying the other Purposes of the said Act into execution, and such Lands and Hereditaments, when purchased, should be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed should for ever thereafter be a Royal Park by the Name of *Battersea Park*, and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, and all Laws, Provisions, and Regulations then in force or thereafter to be in force with respect to Royal Parks should be taken to extend and apply to such Park, except that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being might, in such Manner as by Law was provided with regard to the Hereditary Revenues of the Crown not being Royal Parks, lease such Parts of the said intended Park as with such Consent and Approbation as aforesaid they should deem it expedient to lease for the Purposes of Sites for Dwelling Houses or ornamental Buildings, and Offices and Gardens thereto annexed, and that all and every the Powers and Provisions with regard to Leases for the Purposes aforesaid to be made or granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being of the Hereditary Revenues of the Crown not being Royal Parks should extend to such Part or Parts of the said intended Park so to be leased as aforesaid; and it was enacted, that if the said Commissioners should not within the Space of Five Years, to be computed from the passing of the said Act, purchase or take the Lands, Tenements, and Hereditaments, or Parts thereof respectively, which they were empowered by the said Act to take and use or purchase as aforesaid, then and from thenceforth the Powers thereby granted to them for compulsory Purchase should cease: And whereas by the said Act, and another Act passed in the same Session of Parliament, intituled *An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of Her Majesty's Woods in lieu of Loans heretofore authorized to be made in Exchequer Bills*, the Commissioners for executing the Office of Lord High Treasurer for the Time being were empowered to authorize the Commissioners for the Issue of Loans for Public Works and Fisheries to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds, to be advanced by such Instalments and from Time to Time as they should think fit, and the Commissioners of Her Majesty's

9 & 10 Vict. c. 83.

Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being were empowered to secure the Repayment of any Sum or Sums so to be advanced, with Interest for the same, by Mortgage of all or any Part or Parts of the Hereditaments to be purchased under the Authority of the said first-recited Act: And whereas by another Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of Her Majesty's Reign, intituled *An Act to enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields, *to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements, and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods*, the said Commissioners were empowered, in certain Cases, with the Consent of the Commissioners for the Time being of Her Majesty's Treasury, to grant Certificates of Charge on Portions of the Land Revenues of the Crown for any Monies agreed to be paid by them for the Purchase of Lands, Tenements, or Hereditaments, under the Powers or for the Purposes of the first-recited Act, and the Monies in such Certificates expressed or acknowledged to be due as such Purchase Monies as aforesaid were to be thereby charged upon the whole or such particular Portion as should be therein expressed of the Land Revenues of the Crown, other than Royal Palaces and Parks, and the Possessions and Land Revenues of the Crown in the County of *Middlesex* and City of *London* respectively, and the Monies to be advanced by the Commissioners for the Issue of Loans for Public Works and Fisheries upon the Security mentioned in the first recited Act, when received by the Commissioners of Her Majesty's Woods, were to be applied by them in paying off the Securities which might be granted by them upon the Land Revenues of the Crown under the Authority of the Act now in recital: And whereas the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings proceeded to execute the first-recited Act, and have purchased and contracted to purchase Lands required for the Site of the said intended Park, and under the Powers and according to the Provisions contained in the secondly and thirdly recited Acts they have borrowed divers Sums of Money amounting together to the Sum of One hundred and fifty thousand Pounds, and have agreed to borrow further Sums of Money by Instalments from Time to Time from the Commissioners for the Issue of Loans for Public Works and Fisheries, upon Agreements to secure the Repayment of the Monies so borrowed and agreed to be borrowed, with Interest for the same, by Mortgage of the Lands and Hereditaments purchased and to be purchased for the Purposes of the first-recited Act, and the said Commissioners have likewise, in some Instances, granted Certificates of Charge upon the

11 & 12 Vict. c. 102.

the Land Revenues of the Crown for the Purchase Monies of Lands and Hereditaments bought by them for the Purposes of the said first-recited Act, and the Monies now remaining due on such Certificates amount altogether to the Principal Sum of Two thousand eight hundred and ninety-one Pounds, or thereabouts, and no Part of the Monies arising from the Sale of any of the Possessions of the Crown have been applied by the said Commissioners for the Purposes of the said first-recited Act: And whereas some Portions of the Land and Hereditaments required to form the said intended Park yet remain to be purchased by the said Commissioners, and it is expedient that the Time limited for the compulsory Purchase thereof should be extended, and that the Powers of the Commissioners for carrying the first-recited Act into execution should be enlarged as herein-after mentioned: And whereas it is expedient, and Her Majesty has been graciously pleased to consent, that the said intended Park to be called *Battersea Park* shall not continue to form Parcel of the Possessions and Land Revenues of the Crown, as directed by the first-recited Act, but shall be ceded by Her Majesty and vested in the Commissioners for carrying the first-recited Act and this Act into execution, for the Purposes after mentioned or referred to: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of first-recited Act as enacts that Battersea Park shall be Parcel of the Land Revenues of the Crown repealed.

I. That so much and such Parts of the said first-recited Act of the Ninth and Tenth Years of Her Majesty's Reign as empower the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to lay out and apply any Monies which may from Time to Time come into their Hands as such Commissioners as aforesaid from the Sale of any of the Possessions of the Crown in the Purchase of the Lands and Hereditaments required for the Purposes of the said Act, and in laying out and planting the same, and forming the Embankment and other Works in the said Act mentioned, and carrying the other Purposes of the said Act into execution, and so much and such Parts thereof as direct that such Lands and Hereditaments, when purchased, shall be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed shall for ever thereafter be a Royal Park, and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, and so much and such Parts thereof as enact that all Laws, Provisions, and Regulations in force or hereafter to be in force with respect to Royal Parks shall be taken to extend and apply to such Park, except that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and

and Buildings for the Time being may, in such Manner as by Law is provided with regard to the Hereditary Revenues of the Crown not being Royal Parks, lease such Parts of the said intended Park as with such Consent and Approbation as therein mentioned they shall deem it expedient to lease, for the Purpose of Sites for Dwelling Houses or ornamental Buildings, and Offices and Gardens thereto annexed, and that all and every the Powers and Provisions with regard to Leases for the Purposes aforesaid to be made or granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, of the Hereditary Revenues of the Crown not being Royal Parks, shall extend to such Part or Parts of the said intended Park so to be leased as aforesaid, and so much and such Parts of the said Act as require Grants, Demises, and Mortgages, and Assignments thereof, to be inrolled in the Office of Land Revenue Records and Inrolments, and entered in the Office of Woods, within Three Calendar Months from the Date thereof, and so much and such Parts of the said Act as enact that Embankments of the Shore and of the Ground and Soil of the River *Thames*, and Piers, Stairs, Hards, or Landing Places to be constructed as therein mentioned, shall be and remain vested in Her Majesty, Her Heirs and Successors, for an Estate in Fee Simple, for the Purposes of the said Act, shall from and after the passing of this Act be and the same are hereby repealed.

So much of thirdly-recited Act as empowers Commissioners of Woods, &c. to grant Certificates of Charge upon the Land Revenues of the Crown repealed.

II. That so much and such Parts of the thirdly-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign as empower the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to give Certificates of Charge upon the Land Revenues of the Crown for unpaid Purchase Monies of any Lands, Tenements, or Hereditaments, or of any subsisting Leases, Terms, Shares, Estates, or Interests therein or Charges thereon which have been or shall be agreed to be purchased under the Powers or for the Purposes of the said first-recited Act, shall (subject nevertheless and without Prejudice to any such Certificates which shall have been already given by the said Commissioners) henceforth be and the same are hereby repealed.

Appointment and Incorporation of Commissioners.

III. That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall from and after the passing of this Act, or, in the event of the Offices of Commissioners of Her Majesty's Woods, Forests, and Land Revenues being separated from the Offices of Commissioners of Her Majesty's Works and Buildings, then the Commissioners for the Time being of Her Majesty's Works and Public Buildings shall, from and after such Separation of Offices as aforesaid, be Commissioners for carrying the first-

first-recited Act and this Act into execution, and shall be and they are hereby constituted a Corporation by the Name and Style of "The *Battersea Park* Commissioners," and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take and hold Lands and Hereditaments to them and their Successors for ever, and sell and dispose of any such Lands and Hereditaments for the Purposes of the said first-recited Act and this Act; and all Duties, Powers, Rights, Properties, Privileges, Immunities, and Authorities whatsoever which by the first-recited Act are imposed upon, vested in, or given to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, except as the same are altered or varied by this Act, be imposed upon, vested in, and given to, and performed, exercised, and enjoyed by the Commissioners hereby appointed, and their Successors, in as full and ample Manner as if such Commissioners had been incorporated by the said first-recited Act, and had been thereby appointed Commissioners for carrying the same Act into execution.

Lands vested in Her Majesty to be vested in the Commissioners, and future acquired Lands to be conveyed to them.

IV. That all Lands, Tenements, and Hereditaments, and Rights and Interests in the same, which have been purchased under the Powers or for the Purposes of the first-recited Act, and which have been conveyed and assured to Her Majesty, Her Heirs and Successors, under the Authority of the same Act, and all Embankments of the Shore and of the Ground and Soil of the River *Thames*, and Piers, Stairs, Hards, and Landing Places, by the same Act directed to be and remain vested in Her Majesty, Her Heirs and Successors, shall from and after the passing of this Act be divested from Her Majesty, Her Heirs and Successors, and be vested in and held by the Commissioners hereby appointed, and their Successors; and all Lands, Tenements, and Hereditaments, and Rights and Interests, which have been contracted to be purchased for the Purposes of the said Act, and which have not yet been conveyed and assured to Her Majesty, Her Heirs and Successors, and all Lands, Tenements, and Hereditaments which shall hereafter be purchased or agreed to be purchased for the Purposes of the said Act and this Act, or for enabling the said Commissioners to execute and carry into effect any Contract already entered into by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be conveyed and assured to and shall be held by the Commissioners hereby appointed, and their Successors, for the Purposes of the said Act and this Act, subject nevertheless to any Mortgage or other Charge now affecting the said Hereditaments or any of them; and the said Park shall be laid out and

and formed as by the said first-recited Act is directed, and in all respects for the Benefit of the Public, as the said Commissioners hereby appointed shall, with the Consent of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, direct.

Goods and Chattels vested in Commissioners.

V. That the Right and Property of and in all ornamental and other Trees and Shrubs, Gates, Posts, and Rails, Fixtures, Materials, and Implements for enclosing, planting, and building, and for other Purposes, Materials of Buildings pulled down, Sheds, Utensils, and Goods and Chattels whatsoever, now belonging to Her Majesty, or to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in and upon the said Premises or any Part thereof, and all such like Articles and Things whatsoever which shall hereafter be acquired or provided under the Powers or for the Purposes of the first-recited Act or this Act, shall from and after the passing of this Act, or such future Acquisition thereof as aforesaid, be vested in and belong to the Commissioners hereby appointed, and their Successors, to be used, applied, and disposed of as they shall think fit.

Provisions of first-recited Act extended to this Act.

VI. That all the Provisions, Clauses, and Enactments in the said first-recited Act contained with reference to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with reference to making Orders and Regulations for opening and closing the Gates and Entrances of the said Park, and the Appointment of Park Keepers and other Officers to preserve Order therein, and to any other Acts, Deeds, Matters, or Things to be done or executed under the Authority of the same Act, shall (except in so far as the same Provisions or Enactments, or any of them, are by this Act repealed or altered,) extend and apply to the Commissioners hereby appointed, and their Successors, and to all Acts, Deeds, Matters, and Things to be done or executed under the Authority of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the Commissioners hereby incorporated and appointed had been incorporated and appointed, in and by the said first-recited Act, and the several Acts, Deeds, Matters, and Things hereby authorized or required to be done or executed had been authorized or required to be done or executed by the said first-recited Act; and further, that all and every the Powers and Provisions by the said firstly and secondly herein-before recited Acts relating to the borrowing Monies from the said Commissioners for the Issue of Loans for Public Works and Fisheries, and the giving Securities for the same, shall be vested in and applicable to the said Commissioners hereby appointed, and their Successors.

VII. That

Engagements of Commissioners under recited Acts to be fulfilled and enforced by Commissioners under this Act.

VII. That all Sums of Money which shall at the Time of the passing of this Act be due and owing by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of the recited Acts or any of them, in so far as such Provisions are herein-before set forth or referred to, and all Interest due and to grow due thereon respectively, shall be paid and discharged by the Commissioners hereby appointed, and their Successors, as fully and effectually to all Intents and Purposes as if such Monies had become due and owing from the said last-mentioned Commissioners; and every Person and Body Corporate who shall at the Time of the passing of this Act owe or may become subject or liable to the Payment of any Sum of Money to Her Majesty, or to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or to any Person, for the Benefit of Her Majesty or the said Commissioners respectively, under the Provisions or for the Purposes of the said recited Acts or any of them, in so far as the same Provisions are herein-before set forth or referred to, shall be liable to the Payment of every such Sum of Money to the Commissioners hereby appointed and their Successors; and all Leases, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of any of the said recited Acts, in so far as the same Provisions are herein-before set forth or referred to, shall remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of and for the Benefit of the Commissioners hereby appointed, and their Successors, and shall be vested in the said last-mentioned Commissioners, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on by and in the Name of the said last-mentioned Commissioners, and their Successors; and all Leases, Deeds, Assignments, Securities, Contracts, or Agreements duly made or entered into by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall remain in full Force and Effect, and be observed and kept by the Commissioners hereby appointed, and their Successors, according to the Terms and Stipulations thereof respectively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against the said last-mentioned Commissioners.

Power to appoint Officers, and pay Salaries as Treasury shall approve.

VIII. That it shall be lawful for the Commissioners hereby appointed, and their Successors, from Time to Time to appoint and remove Collectors, Superintendents, Clerks, and other Officers for the Execution of the first-recited Act and this Act, and to pay and allow to

to the Persons from Time to Time appointed or employed by them such Salaries or other Remuneration for their Services as the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being shall approve of.

Extension of Time for compulsory Purchase of Lands, &c.

IX. That the Time by the said first-recited Act limited for the compulsory Purchase of the Lands, Tenements, and Hereditaments which the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues were thereby empowered to purchase shall be and the same is hereby renewed and extended for the Space of Two Years from the passing of this Act; and all and singular the Powers and Authorities by the said Act granted to or vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase, take, or use compulsorily any Lands, Tenements, and Hereditaments, or Parts thereof, or Rights or Interests therein, required for the Purposes of or included in the Schedule to the said Act, and the Royal Park thereby authorized to be made, shall and may be exercised by the Commissioners hereby appointed, and their Successors, for the Space of Two Years from the passing of this Act: Provided always, that if, in the Opinion of the Referees or Jury by whom the Compensation to be paid in respect of any Lands herein-after mentioned is to be determined under the recited Act of the Ninth and Tenth Years of *Victoria*, Chapter Thirty-eight, any Person interested in the Lands, Tenements, or Hereditaments remaining to be purchased for the Purposes of the said Act shall have sustained Injury or Damage by reason of the Purchase of such Lands, Tenements, or Hereditaments not having been completed within the Period limited by the said recited Act, such Referees or Jury shall award Recompence or Compensation for such last-mentioned Injury or Damage, in addition to any other Recompence or Satisfaction to be awarded under the said Act.

Power to Commissioners to demise and lease Lands, &c.

X. That it shall be lawful for the said last-mentioned Commissioners and their Successors, and they are hereby authorized and empowered, from Time to Time, when and as they shall think fit, by Indenture or Indentures or other Instrument in Writing under their Common Seal, to demise and lease such Part and Parts of the Lands, Tenements, and Hereditaments hereby vested in them, or which shall hereafter be vested in them or their Successors, as they shall think it expedient to let, either together or in Parcels, to any Person or Persons whomsoever, for such Number of Years or any shorter Term, and either before or after the said Park shall have been formed, and notwithstanding the same or any Part thereof may be subsequently

 required

required for the Purposes of the said Park, and under such Conditions as they may think fit, and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named as the said Commissioners shall reasonably require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent (if any) thereby to be reserved, or on Nonperformance of the Covenants therein to be contained on the Part of the Tenant or Lessee to be observed and performed, and that the Lessee or Lessees named in each Indenture of Lease shall execute a Counterpart thereof; and on any such Lease the said Commissioners may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases, on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved on such Leases, and may apportion the same, and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they may think fit, and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises at apportioned Rents, or under different Covenants, or otherwise, in all respects as the said Commissioners shall think fit; and the Powers, Provisions, and Enactments in the said first-recited Act contained with respect to Leases and Agreements for Leases to be made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, of Hereditaments comprised in any Mortgage made or to be made in pursuance of the said first-recited Act, and the Surrender and new Grant of such Leases, and with respect to the Rights of Distress and Entry of Mortgagees, shall extend and be applied to Leases and Agreements for Leases, and Surrenders and new Grants of Leases, of any mortgaged Hereditaments, which may be made, accepted, or granted by the Commissioners hereby appointed, and their Successors, under the Authority of this Act, and to any Mortgages which may be made by them, and to the Rights of Mortgagees thereunder, or under Mortgages already made: Provided nevertheless, that if the said Commissioners shall accept and take any Fine for the granting of any such Lease as last aforesaid, every such Fine shall be paid and applied by them in satisfaction, as far as the same will extend, of the Mortgages or other Incumbrances subsisting on the Hereditaments comprised in any such Lease, according to their respective Priorities.

XI. That

XI. That as soon as conveniently may be after any Land or Ground shall have been let for Building Purposes, and either before or after the Houses, Erections, and Buildings to be erected and built thereon, or any of them, shall be finished and completed, and either before or after the Leases thereof shall have been actually granted, the said Commissioners and their Successors shall and they are hereby authorized and empowered to sell and dispose of or cause to be sold and disposed of the Ground Rents to be reserved by the Lease or Demise or Leases or Demises in pursuance or in consideration of which the same Houses respectively shall have been erected and built or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in possession (subject to such Lease or Demise, or Leases or Demises, Agreement or Agreements,) of the Pieces or Parcels of Ground thereby demised or agreed to be demised, and such Houses and other Buildings thereon, either altogether or in Parcels, by Public Auction or Private Contract, for such Price or Prices, or Sum or Sums of Money, as the said Commissioners shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built thereon, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the said Commissioners shall think fit, and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the said Commissioners for the Time being, for the Benefit of the Public, or of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the said Commissioners may think fit; and the said Commissioners shall and they are hereby empowered, at the Costs and Charges of the Purchaser or Purchasers of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively, by any Deed or Instrument in Writing under their Common Seal, to convey and assure the Piece or Parcel of Ground or Pieces or Parcels of Ground so purchased by such Purchaser or Purchasers respectively together with the Houses, Erections, and Buildings then erected and built or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser or Purchasers, his, her, or their Heirs and Assigns respectively, or as he or they respectively shall in that Behalf order or direct, free from all Incumbrances, including any Mortgage or Agreement for Mortgage then charged thereon (except the Building Lease or Building Leases, or Agreement or Agreements for Building Lease or Building Leases to be granted thereof by virtue of this Act); and the Monies to be received on any such Sale or Sales shall be in the first place applied in the same Manner as is herein-before declared

Commissioners empowered to sell Ground Rents;

declared with respect to any Monies to be paid as the Fine for any Lease to be granted as aforesaid, and all Conveyances and Leases which shall be made as aforesaid, pursuant to the Authority hereby in them reposed, shall be adjudged sufficient to vest such Estate in the Purchaser or Lessee, or otherwise, as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance or Lease.

Power to Commissioners to sell Grounds, &c. not required for the Park.

XII. That it shall be lawful for the said Commissioners to sell and dispose of in manner aforesaid, and absolutely to grant and convey, any Part or Parts of any of the Hereditaments which have been or may be acquired under the Powers of the said first-recited Act or of this Act, and which shall not be wanted or which they shall not deem it expedient to retain for the Purposes of the said first-recited Act, and which they shall not think proper to let on Building Leases as aforesaid, subject nevertheless to such Stipulations and Conditions as they may think fit, and thereupon the same shall be conveyed and assured by the said Commissioners as they shall think fit.

Purchases, Sales, &c. not to be made without the Authority of the Treasury.

XIII. That no Purchase, Lease, Agreement for Lease, or Sale, to be made by the said Commissioners, shall be made, except with the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom; but it shall not be necessary for any Purchaser or Lessee to ascertain that such Consent has been given as aforesaid, nor shall the said Commissioners be bound to produce to any such Purchaser or Lessee any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally for any Class of Cases, or for any particular Purchase, Lease, or Agreement for Lease, as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

Provision for Discharge of Securities on the Land Revenues of the Crown.

XIV. That out of any Monies raised under the Powers or applicable to the Purposes of the first-recited Act, which at the Time of the passing of this Act shall be in the Bank of *England* or in any other Bank, placed to the Credit of any Account under the Control of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the said last-mentioned Commissioners shall and they are hereby required, in the first place, to pay off and discharge all such Sum and Sums of Money as shall be then due and owing upon the Security of any Certificate of Charge upon the Land Revenues of the Crown granted under the Powers of the thirdly-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign, and the Interest thereof; or if any such Sum or Sums of Money shall not be then due, and the Person entitled thereto shall not be willing to receive the same before it is due, then the said

said last-mentioned Commissioners shall and they are hereby required to reserve and retain such Sum and Sums of Money, and the Interest thereof, until due, and to pay the same to the Person or Persons entitled thereto at the Time fixed by any such Certificate of Charge for the Payment thereof; and the Residue or Surplus of all such Monies as aforesaid shall be paid or transferred to the Credit of the Commissioners hereby appointed, and their Successors, for the Purposes of the said first-recited Act and this Act; provided that if at the Time of the passing of this Act the Monies under the Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, which have been raised under or are applicable to the Purposes of the first recited Act, shall not be sufficient to satisfy and discharge all such Certificates of Charge upon the Land Revenues of the Crown as aforesaid, and the Interest thereof, the Deficiency of such Monies shall be supplied and made good and be paid to the said last-mentioned Commissioners, by the Commissioners hereby appointed, and their Successors, out of the First Monies which the said Commissioners hereby appointed, and their Successors, shall receive by way of Loan from the Commissioners for the Issue of Loans for Public Works and Fisheries, or otherwise, under the Provisions of the recited Acts and this Act, or any of them.

Receipts of Commissioners to be sufficient Discharges

XV. That the Receipts in Writing of any Two of the Commissioners hereby appointed, and their Successors, and, after the Separation of the Offices of Commissioners of Her Majesty's Woods, Forests, and Land Revenues from the Offices of Commissioners of Her Majesty's Works and Buildings, the Receipt in Writing of the First Commissioner for the Time being of Her Majesty's Works and Buildings, for any Monies payable to the Commissioners hereby appointed, and their Successors, under or by virtue of the recited Acts or this Act or any of them, shall be sufficient Discharges for the same to the Person or Body paying the same.

Application of Monies.

XVI. That all and every Sum and Sums of Money which shall be received by the Commissioners hereby appointed and their Successors by way of Loan, or from any Sales authorized to be made by them, or by way of Fine or Consideration for granting any Lease or rescinding any Contract, or by way of Penalty or Forfeiture, and also the Rents and Profits of all Lands and Hereditaments vested or to be vested in them under the Provisions of this Act in the meantime and until the same shall be sold, and all other Monies which shall come into their Hands by virtue of this Act, shall, after Payment of the Costs and Charges of this Act, and such Sale and Sales as aforesaid, be applied, in the first place, in Satisfaction and Discharge of the

 before-

before-mentioned Securities upon the Land Revenues of the Crown, and the Interest thereof, and, subject thereto, in the Purchase of such of the Lands and Hereditaments comprised in the Schedule to the first-recited Act as yet remain to be purchased, and in making, forming, and maintaining the Park by the said Act authorized to be made and maintained, and in carrying the Purposes of the said recited Act and this Act or any of them into execution, and also in Payment and Satisfaction of all Principal Monies and Interest which under the Authority of the recited Acts and this Act shall have been charged upon the said Lands and Hereditaments or any of them, or raised or borrowed for the Purposes of the said Acts or any of them, and the Residue or Surplus of all such Monies as aforesaid shall be applied to the Creation of a Fund for Improvements in the Metropolis and its Neighbourhood, and shall from Time to Time be invested in the Purchase of Stock in some of the Public Stocks or Funds of *Great Britain*, or upon Government or Real Securities at Interest, in the Names of the said Commissioners and their Successors, and the Interest and Dividends of all and singular the Stocks, Funds, and Securities upon which such Monies or any Part thereof shall from Time to Time be invested shall in like Manner be invested from Time to Time in the Names of the said Commissioners and their Successors, for the Purpose of Accumulation, in the meantime and until the said Fund shall be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis or its Neighbourhood.

Commissioners to account.

XVII. That the said Commissioners and their Successors shall from Time to Time render and give an Account to the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer for the Time being of all Monies which shall be raised or received by them under or by virtue of the Provisions of the recited Acts and this Act as aforesaid, and of the Application of all such Monies; and the said Lord High Treasurer or Commissioners for executing the said Office of Lord High Treasurer shall be and he and they is and are hereby authorized to examine or cause to be examined every such Account, and in case they shall approve thereof to signify their Approbation at the Foot of such Account, and to transmit and return the same, so approved, to the said Commissioners hereby appointed, and their Successors; and every Account, so approved and signed as aforesaid, shall be a full and sufficient Discharge to the said last-mentioned Commissioners for or on account of all such Sums of Money as shall be mentioned in such Account, and for the Expenditure and Application thereof; and the said Commissioners shall not be compelled or compellable to give or render any

any further or other Account of any such Money, or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

Powers of Treasury under 11 & 12 Vict. c. 102., to regulate the Accounts of the Commissioners of Woods, &c., to be applied to the Accounts of the Commissioners under this Act

XVIII. That all the Powers and Authorities which under the said thirdly-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign are vested in the Commissioners of Her Majesty's Treasury for making from Time to Time Rules and Regulations, and General and Special Orders, with respect to the Receipt and Payment of Monies by or on behalf of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Persons to be employed in conducting such Receipts and Payments, and the Manner, Form, and Place in which the Accounts of such Receipts and Payments shall be kept, and with respect to the Payment and Transfer of Monies from and into any general or special, particular or separate Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with respect to the Form in which Cheques or Orders for the Payment of Monies placed to any Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be drawn, and with respect to the Appointment of Persons to draw such Cheques or Orders in the Names of such Commissioners, and to countersign such Cheques, shall extend and be applicable and be exercised concerning the like Matters in relation to the Commissioners under this Act, in the same Manner as if the Provisions of the said Act of the Eleventh and Twelfth Years of Her Majesty, concerning such Powers and Authorities, were repeated and re-enacted in this Act, and the Commissioners hereby appointed, and their Successors, were in every Case substituted for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and one, for establishing an Office for the Benefit of Coalwhippers of the Port of *London*, and for staying certain Actions in respect of Fitter's Certificates: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, to continue to the First Day of *January* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and to amend, the said Act for establishing an Office for the Benefit of Coalwhippers of the Port of *London*: And whereas the said last-mentioned Act will expire at the End of the present Session of Parliament, and it is expedient that the same should be renewed and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

9 & 10 Vict. c. 36.

I. *Government of Coalwhippers.*

Board of Trade may appoint Three Commissioners, and may remove them, and fill up Vacancies.

I. That from and immediately after the End of this present Session of Parliament it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations to appoint Three fit and proper Persons as Commissioners for carrying this Act into execution, of whom One shall be a Shipowner of the Port of *London* engaged in the Coasting Coal Trade, and from Time to Time to remove any Person who shall have been so appointed by them, and also from Time to Time to fill up any Vacancy which shall occur in the Number of the Commissioners so appointed by them, either by reason of Removal, Resignation, Death, or otherwise.

The Corporation of London and the Chairman of the Coal Factors Society may each appoint One Commissioner, and may remove him, and supply Vacancies.

II. That from and immediately after the End of this present Session of Parliament it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London* to appoint One other fit and proper Person to be a Commissioner for carrying this Act into execution, and also for the Committee of the Coal Factors Society of *London* to appoint One other fit and proper Person for that Purpose, and also for the said Mayor, Aldermen, and Commons, and for the said Committee respectively, from Time to Time to remove any Person so appointed by them, and also in the event of any Vacancy in the Office of the Commissioners so appointed by them respectively, either by Removal, Resignation, Death, or otherwise, to fill up such Vacancy.

Style of Commissioners.

III. That the said several Persons who shall be so from Time to Time respectively appointed by the said Lords of the said Committee of Privy Council, and by the Mayor, Aldermen, and Commons of the City of *London*, and by the said Committee of the Coal Factors Society

Society of *London* as aforesaid, shall be and are hereby constituted Commissioners for carrying this Act into execution, and shall be styled "Commissioners for the Registration and Regulation of Coalwhippers in the Port of *London*."

IV. Provided always, That the Commissioners appointed by virtue of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, shall continue and be Commissioners for carrying this Act into execution until Commissioners shall have been appointed by the said Lords of the said Committee of Her Majesty's Privy Council, and by the said Mayor, Aldermen, and Commons of the City of *London*, and by the said Committee of the Coal Factors Society, pursuant to the Provisions of this Act.

Commissioners appointed under 9 & 10 Vict. c. 36. to remain in Office until removed.

V. That all Contracts, Covenants, Agreements, Engagements, and Securities which at the Time of the Commencement of this Act shall have been entered into or given to or by the said Commissioners, or any Registrar, Branch Registrar, Clerk, or other Officer or Servant appointed by the Commissioners under the Authority of the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, shall continue, and may be enforced, in the same Manner as if the same had been entered into or given under the Authority of this Act.

Existing Contracts to remain in force.

VI. That the Commissioners acting under or by virtue of this Act, or any Three of them, shall meet at such Time and Place as the Five Commissioners to be appointed under or by virtue of this Act, or the greater Number of them, shall direct, by Notice in Writing signed by the greater Number of the Commissioners; and such Meeting shall be called a Board of Commissioners; and all Boards of the Commissioners shall be held, from Time to Time, at such Time and Place and upon such Notice as may be resolved upon by Rules or Regulations of any Board for that Purpose: Provided always, that every Board of Commissioners shall consist of not less than Three Commissioners.

Meetings of Commissioners.

Quorum.

VII. That at the First Meeting of the Commissioners in every Year they shall elect, by a Majority of Votes of the Commissioners present, some One Commissioner to be the Chairman of the Commissioners for the Remainder of the Year; and in case at any Meeting of the Commissioners the Chairman shall not be present, the Commissioners then present shall elect a Chairman for that Meeting; and all Questions shall be determined by the Votes of the Majority of the Commissioners

Chairman to be appointed every Year.

Presiding Chairman to have a Casting Vote.

missioners present at the Board, including the presiding Chairman; and in case of an Equality of Votes the presiding Chairman shall have a Second or Casting Vote.

Powers of Commissioners vested in the Board.

VIII. That all and every the Powers and Authorities and Duties by this Act vested in or imposed upon the Commissioners shall be exercised by the Board of Commissioners, and the Decision or Resolution of any Board shall be deemed to be the Decision and Resolution of the Commissioners.

Proceedings of Board to be entered in a Book.

IX. That all Orders and Proceedings of any Board of Commissioners shall be entered in a Book to be kept by the Registrar, Clerk, or other Officer to be appointed by virtue of this Act, and shall be signed by the Commissioner who shall preside as Chairman at such Board.

Commissioners to sue and be sued in the Name of the Registrar.

X. That the Commissioners may sue and be sued in all Actions, Suits, and other Proceedings in the Name of the Registrar for the Time being, and that no Action, Suit, or Process shall abate or be stayed by reason of the Death or Removal of any such Registrar; but the Registrar for the Time being shall be deemed to be the Party, Plaintiff or Defendant, as the Case may be: Provided always, that all Costs, Charges, and Expenses which may be incurred by the said Registrar in any such Action, Suit, or Proceeding shall be repaid to him by the Commissioners out of the Monies applicable by them to the Purposes of this Act.

II. *Coalwhippers Register.*

Commissioners to keep a Register, and appoint a Registrar.

XI. That it shall be lawful for the Commissioners and they are hereby required to provide and keep, at some convenient Place in the City of *London*, or on the Banks of that Part of the River *Thames* which for the Purposes of this Act is to be deemed within the Port of *London*, One or more Book or Books for registering of Coalwhippers in the Port of *London*, and also to appoint some fit and proper Person to be the Registrar thereof, with such Salary or Remuneration, not exceeding Three hundred Pounds *per Annum*, as they may think reasonable, and as the Lords of the Committee of Privy Council may approve, and to regulate the Duties of the Office of Registrar, and to supply any Vacancy in the said Office caused by Death, Resignation, or by such Removal as herein-after is mentioned, or otherwise.

Registrar to enter Names, &c. of Coalwhippers;

XII. That the Registrar so appointed shall and he is hereby required, from Time to Time, upon the Application of any Person desirous of following or continuing to follow the Employment of a Coalwhipper, and upon Payment of such Fee (not exceeding Fourpence) as shall be prescribed in that Behalf under the Authority of this

this Act to enter or cause to be entered in the said Registry the Christian and Surname, the Age, and Place of Abode, and any other Particulars required under the Authority of this Act of any Person who at the Time of the passing of this Act shall follow the Employment of a Coalwhipper, and who shall at the Time of such Application be desirous of continuing therein, and of any other able-bodied Male Person whatever who shall be desirous of entering on the said Employment; and immediately upon such Entry being made the said Registrar shall, without any further Fee or Reward, deliver or cause to be delivered to every Person so registered a Certificate of such Entry having been made, and of the Number, Date, and Particulars thereof; and the said Registrar shall from Time to Time, upon Payment of such Fee as shall be prescribed in such Cases as shall be mentioned in that Behalf respectively, under the Authority of this Act, renew or cause to be renewed such Certificate; and the said Registrar shall at all Times and in all respects keep or cause to be kept the said Register, in accordance with the Provisions and Regulations to be established under the Authority of this Act: Provided always, that where any Person shall have been duly registered as a Coalwhipper under the Provisions of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, and shall be in possession of a valid Certificate of his Registration, such Person shall not be required to be again registered under the Provisions of this Act, but his Registration shall be as effectual as if made under such Provisions, and the same, and the Certificate thereof, shall be subject to the same Regulations and Provisions as if the Registration had been made and the Certificate granted under this Act.

Coalwhippers Register.

and to deliver Certificate, and to renew the same, and to keep the Register according to the Act.

Where a Person has been duly registered he need not be again registered.

XIII. That in all Courts, and before any Justices of the Peace, and upon all Occasions whatever, the Entries made or contained in such Register shall be received as Evidence, and be deemed sufficient Proof of all Matters and Things therein registered or contained, without any further Proof than the Production of such Register; and any Person shall be at liberty to inspect any such Register during the Hours of Attendance at the Office, without Payment of any Fee or Reward; and that the Entries in such Register, and the Certificates to be delivered under this Act, and the Contracts made for the Discharge of Coals by Coalwhippers registered and sent from the Coalwhippers Office under this Act, and the Receipts given for Wages under the Provisions of this Act, shall not be liable to any Stamp Duty; and that if any Person applying to be registered under this Act, or procuring or attempting to procure any such Certificate, shall make any false Representation in regard to his Name, Age, or Place of Abode,

Register to be Evidence.

Entry and Certificate not subject to Stamp Duty.

Penalty on Persons making Misrepresentations.

 or

Coalwhippers Register.

or if he shall not truly answer all Questions which shall be demanded of him in relation to such Application or Certificate, every Person so offending shall forfeit for every such Offence any Sum not exceeding Twenty Shillings; and that if any Person shall forge, counterfeit, or falsify, or act or assist in forging, counterfeiting, or falsifying, any Entry or Certificate of Registry or any other Document to be made or given in pursuance of this Act, the Person so offending, and being thereof lawfully convicted, shall be deemed guilty of a Misdemeanor, and shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without Hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Certificate, and for any Peace Officer to seize and take away any such Certificate, in order that the same may be produced in Evidence against the Offender, or be disposed of as the said Registrar shall think proper.

No Person to follow the Employment of a Coalwhipper unless he be registered, and have a Certificate.

XIV. That it shall not be lawful for any Person, except such Persons and in such Cases as in this Act provided, to follow or exercise the Employment of a Coalwhipper, or to labour in the Discharge by the Process of whipping of the Cargo of any Vessels laden with Coals in the Port of *London*, unless such Person shall be registered as a Coalwhipper, and shall have a Certificate under this Act, and then remaining in force; and if any Person not so registered, or not having such Certificate, except as aforesaid, shall follow or exercise the said Employment, or shall labour as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Two Pounds: Provided always, nevertheless, that it shall be lawful for any Person or Persons, being actually Part of the Crew of any Vessel in the Port of *London*, to labour in the Discharge of Coals by whipping or otherwise from the same or any other Vessel, and also for the actual Servants or Labourers of the *bonâ fide* Owner of any Vessel laden with Coals, or Owner or Purchaser of the Cargo thereof, to discharge by the Process of whipping the Cargo or any Part thereof, such Servants or Labourers having been *bonâ fide* engaged in the Service of such Owner or Purchaser for a Period not less than Six consecutive working Days immediately preceding the Day on which they shall be employed to discharge such Cargo or Part thereof, and also for the actual Servants or Labourers of the several Dock Companies having Docks near to the River *Thames*, such Servants or Labourers having been *bonâ fide* engaged in the Service of such respective Companies for a Period not less than Six consecutive working Days immediately previous to the Day on which they shall be employed to discharge such Cargo or Part thereof, to labour on the Discharge of Coals by the Process of whipping from any

Exception in the Favour of the Crews of Ships, and of the actual Servants or Labourers of the Owner of the Vessel or Purchaser of the Coals and of Dock Companies.

any Vessels in the Docks of such Companies respectively, and such Crews, Servants, and Labourers may so labour, with or without the Aid of any Person being a registered Coalwhipper.

Coalwhippers Register.

III. *Coalwhippers Office.*

Corporation of London may hire Lands and Buildings for Offices and Stations, and remove the same at Request of the Commissioners.

XV. And for the Purpose of providing a Head Office and convenient Branch Offices and Stations for the Resort of Coalwhippers in the Port of *London*, and the Deposit of the Implements and Tackle required in that Business, be it enacted, That it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London*, at the Request of the Commissioners, to be signified by a Resolution of their Board signed by the Chairman, at any Time or Times and from Time to Time to treat and agree for the hiring or renting of, and to hire or rent, any Buildings, Ground, and Hereditaments as the Commissioners shall think necessary for the Purposes of this Act, and also to adapt and fit up the same for Offices and Stations for the Resort of Coalwhippers, and for the Deposit of the Tackle and Implements required in that Employment, and for the Transaction of the Business of the Commissioners under this Act, and also from Time to Time to repair and maintain the Buildings and Premises so required and held by virtue of this Act, and also at any Time or Times, at the Request of the Commissioners, to be signified by a Resolution of their Board, signed by their Chairman, to remove any of the said Offices or Stations to any other Situation or Place which the Commissioners shall deem more convenient: Provided always, that in case the said Mayor, Aldermen, and Commons shall, after such Request of the Commissioners, signified as aforesaid, neglect or refuse to comply with such Request, it shall be lawful for the Commissioners from Time to Time to rent or hire any Buildings, Ground, and Hereditaments, and to adapt and fit up the same for the Purposes aforesaid, and also from Time to Time to repair and maintain the same, and to remove any of the said Offices or Stations to any other Situation or Place.

Commissioners to provide Tackle for the Use of Vessels discharging Cargoes.

XVI. That it shall be lawful for the Commissioners to provide and keep from Time to Time such Stages, Planks, Gins, Baskets, Shovels, and other Tackle and Implements as are commonly used in the Discharge of Cargoes of Coals, and of such Description and in such Quantities as they shall think sufficient, and to supply to such Ships as may require the same such Tackle and Implements, upon Payment of such Sum for the Use thereof as may be fixed by the Commissioners, not exceeding in any Case the Sum of Seven Shillings and Sixpence *per* Cargo when the Vessel is of Two hundred and fifty Tons Burden or upwards, and not exceeding Five Shillings *per* Cargo when the Vessel is of less Burden than Two hundred and fifty Tons; and if any Person whomsoever shall let out to hire or permit to be used

Penalty on other Persons

letting out Tackle or other Implements.

used for the Discharge of the Coals from any Vessel by registered Coalwhippers engaged from the Coalwhippers Office under this Act any Tackle or Implements to or by any Person (except on behalf of the Coalwhippers Office), every Person so letting out to hire or permitting to be used any such Tackle or Implements shall for each and every Occasion of letting out to Hire or permitting to be used the same forfeit the Sum of Five Pounds: Provided nevertheless, that nothing herein contained shall prevent the Master of any Vessel laden with Coals in the Port of *London* from using such of the aforesaid Tackle and Implements as may be required and as may belong to the Owner of such Vessel, notwithstanding the Cargo of such Vessel shall be discharged by Coalwhippers engaged from the Coalwhippers Office, or shall prevent any such Master from hiring, or any Person whomsoever from letting out to hire, any such Tackle or Implements as aforesaid, in any Case in which such Vessel shall be lawfully unladen according to the Provisions of this Act by Persons not being registered Coalwhippers.

Nothing to prevent Owners, &c. from using their own Tackle.

Commissioners to appoint Officers, and award such Salaries as Board of Trade shall approve of.

XVII. That it shall be lawful for the Commissioners to appoint such and so many Branch Registrars, Clerks, and other Officers and Servants as they may think necessary for carrying this Act into execution, with such Salaries and Allowances as they may think reasonable, and as the said Lords of the said Committee of Her Majesty's Privy Council shall approve, and to supply Vacancies among them caused by such Removal as herein-after is mentioned, or by Death, Resignation, or otherwise: Provided always, that it shall be lawful for the said Lords of the said Committee of Her Majesty's Privy Council from Time to Time to remove the Registrar, Branch Registrars, Clerks, and other Officers and Servants appointed by the Commissioners by virtue of this Act, and any Person so removed shall not be afterwards appointed to any Office or Situation under this Act without the Consent of the Lords of the said Committee: Provided always, that the present Registrar, Branch Registrars, Clerks, and other Officers shall continue in Office until they shall respectively die or resign or be removed as aforesaid.

IV. *Coalwhipping.*

Where Cargo to be discharged by Coalwhippers, Shipmaster to apply to the Coalwhippers Office.

XVIII. And whereas, in order to secure the Objects of this Act, it is expedient to make certain Provisions respecting the Discharge of the Cargoes of Vessels laden with Coals in the Port of *London*: Be it therefore enacted, That the Master or Mate of every Vessel laden with Coals the whole or Part of the Cargo whereof it shall be intended to discharge in the Port of *London* by Coalwhippers, or some other Person, on behalf of the Master, shall make Application in Writing to the Head Office or the nearest Branch Office of Coalwhippers, stating the certificated Quantity of Coals, and if only Part of the Cargo

Cargo is wanted, the Quantity of Coals required to be discharged, and the Time at which he desires that the Discharge of such Coals shall commence, and the Time within which it shall be completed, and the Rate *per* Ton which he agrees to pay for the Discharge thereof.

Coal-whipping.

XIX. That the Clerk or other Officer appointed under this Act, upon every such Application for Coalwhippers as aforesaid, shall forthwith give Notice of the Application to the Gangs of Coalwhippers in attendance at the Office where such Application shall have been made, and, in case several Gangs shall offer to unload the Cargo mentioned in the Application at the Price named, shall permit the Gangs in attendance to tender to unload the Cargo at any lower Price, and shall select for the Performance of the Work the Gang who shall offer the lowest Terms; and in case of no such lower Tender, or of Equality of Tenders, the Gang who, according to the Byelaws of the Commissioners, shall stand next in rotation for Employment, and shall be willing to accept the same, shall be so selected; and if no Gang shall be willing to accept the Terms proposed in such Application, the said Clerk or other Officer shall permit the Gangs in attendance to tender to unload the Cargo mentioned in the Application at any higher Price, and shall select for the Performance of the Work (subject to the Consent of the Master or other Person making the Application) the Gang who shall offer the lowest Terms, and in case of Equality of Tenders the Gang who shall stand next in such Rotation for Employment as aforesaid; and the said Clerk or other Officer shall forthwith, by Notification in Writing, acquaint the Master or other Person as aforesaid making the Application with the Price (if any) at which the selected Gang has agreed to perform the Work, or (as the Case may be) with the Fact that no Gang is willing to perform the Work: Provided always, that such Notification in Writing shall be given to the Master or other Person making the Application within a Quarter of an Hour after the Receipt of the Application by the Clerk or other Officer of the Coalwhippers Office, if such Master or other Person shall still be in attendance at the Office, but if he shall have previously quitted the Office, then as soon afterwards as he shall apply for the Information: Provided also, that such Notification in Writing shall in all Proceedings in any Court, or before any Justice of the Peace, against any Party, for employing Persons not being registered Coalwhippers, contrary to the Provisions of this Act, be received as Evidence, and be deemed sufficient Proof of the Price at which the Gang therein referred to have offered to perform the Work therein mentioned, or (as the Case may be) of the Fact that no Gang has offered to perform the Work therein mentioned.

Duties of Clerks, &c. as to the Employment of Coalwhippers in unloading Vessels.

Coal-whipping.

Clerk to send a proper Gang with Tackle to the Vessel to be unladen.

XX. That the said Clerk or other Officer shall send and he is hereby required to send, within One Hour of the Time appointed in such Application for the Discharge of such Coals, the Gang or Part of a Gang of Coalwhippers who shall have been so selected as aforesaid, with the necessary Tackle and Implements, if required, to the Vessel to be unladen, for the discharging of the Cargo or Part thereof; and if such Clerk or other Officer shall neglect or refuse, on such Application, to send such Gang or Part of a Gang, with such Tackle and Implements, and within such Time as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty on Master not permitting Vessels to be discharged.

XXI. That the Master or other Person having the Charge of the Vessel in respect of which the Application for the Discharge of Coals shall have been so made as aforesaid shall permit the same to be discharged by the Coalwhippers sent from the Coalwhippers Office, according to the Provisions herein contained; and if any Master or other Person shall prevent, obstruct, or interrupt, or attempt to prevent, the Discharge of such Coals being proceeded in and completed by the Coalwhippers sent from the Coalwhippers Office in consequence of such Application, or shall wilfully obstruct or prevent any Person in the Execution of this Act, then and in every such Case the Person so offending shall forfeit any Sum not exceeding Ten Pounds.

Penalty on Shipmaster employing non registered Persons as Coal-whippers.

Shipmaster may employ Crews of Colliers to discharge the Coals by the Process of whipping.

XXII. That if the Master of any such Vessel as aforesaid, or any other Person, shall employ, or permit or suffer to be employed, any Person, not being a Coalwhipper registered and sent from the Coalwhippers Office under this Act, (except such Persons or in such Cases as are mentioned in the Provisoes herein-after contained,) to labour in the Discharge of the Coals from such Vessel, or of any Part thereof, by the Process of whipping, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds: Provided nevertheless, that it shall be lawful for the Master or other Person having the Charge of any such Vessel as aforesaid to employ in the Discharge of Coals therefrom, by the Process of whipping, any Persons, being actually Part of the Crew thereof, or of any other Vessel in the Port of *London*, and also for the *bonâ fide* Owner of any Vessel laden with Coals, or Owner or Purchaser of the Cargo thereof, to employ his actual Servants or Labourers, having been *bonâ fide* engaged in his Service for a Period not less than Six consecutive working Days immediately preceding the Day on which they shall be employed to discharge such Cargo, to labour in the Discharge of such Cargo by whipping, and also for the several Dock Companies herein-before mentioned to employ such their Servants and Labourers as aforesaid to labour in the Discharge of Coals by the Process of whipping from any Vessel which shall be in the respective Docks

Docks of the said Companies respectively, and to make Application for and obtain in the Manner herein-before mentioned the Services of a sufficient Number of Coalwhippers, although less than a complete Gang, to assist the Persons so employed: Provided always, that it shall be lawful for the Master or other Person having the Charge of any such Vessel as aforesaid, to employ Persons, not being registered Coalwhippers, to discharge such Coals by whipping, in the following Cases; (that is to say,) in case he shall not within the Time within which the Clerk or other Officer is herein-before required to send a Gang of Coalwhippers for the Discharge of such Coals be supplied with such Gang, and such requisite Implements and Tackle, as are mentioned in his Application; or in case he shall receive from such Clerk or other Officer such Notification as aforesaid that no Gang of Coalwhippers have declared themselves willing to discharge such Coals at the Price named in his Application; and the several Persons, not being registered Coalwhippers, who shall be employed in the before-mentioned Cases, shall not be liable to the Penalties herein-before imposed upon non-registered Persons for discharging Coals from Vessels by whipping: Provided nevertheless, that if such Clerk or other Officer shall state in such Notification that a Gang of Coalwhippers are willing to discharge such Coals at some stated Price *per* Ton higher than that named in such Application, and such Master or other Person shall not agree to such higher Price, it shall not be lawful for such Master or other Person to pay for the Discharge of such Coals a greater Price than that which is so stated in such Application, or allow any other Advantage, for the Discharge of such Coals, than the Terms mentioned in that Behalf in such Application; and if he shall pay any greater Price, or shall allow any other Advantage, for the Discharge of the said Coals, he shall be liable to forfeit for every such Offence any Sum not exceeding Ten Pounds.

Coal-whipping.

Shipmaster may employ non-registered Coalwhippers in certain Cases.

Proviso.

XXIII. That immediately after the Discharge of the Cargo or the Part thereof undertaken to be discharged by the Coalwhippers sent from the Coalwhippers Office shall have been finished, the Master of the Vessel in which they were employed, or such other Person as aforesaid, shall pay to some Person authorized by the Commissioners the full Hire and Wages due in respect of the Labour of such Coalwhippers, and the Charge for Baulk Days by reason of Detention, and for the Hire of Tackle (if any), in current Money of the United Kingdom; and in default thereof the Master or such other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and so much of the said Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter

After Discharge of Cargo, Shipmaster to pay Wages to the Person authorized from Coalwhippers Office to receive the same.

So much of 1 & 2 Vict. c. 101. as re-

lates to the Payment of Wages repealed.

Chapter One hundred and one, as relates to the Payment of the Wages of Persons employed in the Discharge or Delivery of Coals from Vessels laden therewith in the Port of *London*, shall be and the same is hereby repealed: Provided always, that such Master or other Person as aforesaid shall not be compellable to pay such Hire or Wages except on board the Vessel.

Recovery of Wages, &c.

XXIV. That all Money due for Labour performed, and for the Hire of Tackle, under the Provisions of the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, or of this Act, and for Baulk Days by reason of Detention, shall be recoverable in like Manner and in all respects as Seamen's Wages, except by any Suit or Proceeding in the Admiralty Court.

Person authorized by Commissioners shall pay the Coalwhippers the Wages due to them, after making the requisite Deductions.

XXV. That the Person so authorized as aforesaid by the Commissioners shall receive the Money to be paid as Hire or Wages for the Labour of the Coalwhippers so discharging the Cargo or Part thereof of such Vessel as aforesaid, and for Baulk Days, and for the Hire of Tackle (if any), and shall forthwith pay the same at the nearest Head Office or Branch Office to the Clerk or other Person appointed by the Commissioners to receive the same; and if any such authorized Person as aforesaid shall neglect or refuse to pay the Money received by him as aforesaid at the Time and Place aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and the Clerk or other Person so appointed as aforesaid by the Commissioners, after deducting therefrom the Sum or Proportion prescribed under the Authority of this Act, not exceeding One Farthing in each Shilling, shall forthwith pay and divide the Residue of the Monies so received for Wages and Baulk Days to and among the Coalwhippers so employed, without any other Deduction or Abatement, except as herein-after mentioned, and without imposing any Terms or Conditions whatever; and if any such Clerk or other Person as aforesaid shall make any other Deduction than as aforesaid, or shall impose any Terms or Conditions on making such Payment, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty.

Application of Fractions.

XXVI. And whereas in dividing the Monies aforesaid Fractions undivisible in the usual Coin of the Realm will occasionally occur: Be it therefore enacted, That it shall be lawful for the Commissioners to deduct and retain such undivisible Fractions, and to distribute the same for the Benefit of the registered Coalwhippers as the Commissioners shall see fit, and that an Account shall be kept of the same, to be called the "Fraction Fund."

XXVII. And

V. *Regulations.*

Commissioners to make Byelaws for the Government of the Coalwhippers and Management of the Offices.

XXVII. And for better carrying into execution the Purposes of this Act, be it enacted, That it shall be lawful for the Commissioners to make, when and as they shall deem necessary, Byelaws and Regulations for keeping the Register by this Act established, and prescribing the Testimonials, Proofs, and Particulars to be required of Persons before or upon Registration therein, and settling the Terms of Entry therein, and of the Certificates to be delivered, and fixing the Fees, not exceeding in any Case the Sum of Fourpence for any such Registration or renewed Certificate, to be paid for Registration and renewed Certificates under this Act, and for fixing the Amount, not exceeding the Sum herein-before limited, of the Deduction to be made out of such Hire or Wages for the Purposes of this Act, and for the settling of Demands, the paying in and withdrawing of Monies, the Payment of Orders, and the Disposal of Funds, and the keeping, auditing, and Publication of Accounts under this Act, and for determining the Time of Attendance of the Coalwhippers at the Coalwhippers Office or its Branches, their Division into Gangs, and the Rotation of their Employment, and for securing the due Performance on the Part of the Coalwhippers of their Contracts to discharge Coals, with reference to the Time, Price, and other Terms specified in each such Application as aforesaid, for the Completion of the Discharge of the Cargo or Parts of Cargoes, as well as in other respects, and for annulling such Contracts in case of their Misbehaviour or other sufficient Cause, and for promptly substituting other Coalwhippers in such Cases for the Fulfilment of such Contracts, and for the Guidance, Government, and Control in all respects of the Coalwhippers certificated, and for the Management of the Offices and Stations established and the Officers and Servants appointed under this Act, and for securing the due Performance of the Contracts entered into by Masters of Ships and other Persons employing Coalwhippers or hiring Tackle under this Act, and for carrying this Act into execution, and to impose the Suspension or Forfeiture of the Employment of Coalwhippers, or of any Office or Place created under this Act, or to fix any reasonable Penalties (not exceeding the Sum of Five Pounds for any Offence) for the Breach or Nonobservance of any such Byelaw or Regulation, and from Time to Time by any other Byelaw or Regulation to rescind, suspend, alter, or vary any Byelaw or Regulation by them made: Provided always, that the Commissioners shall submit all Byelaws and Regulations proposed to be made by them to the Lords of the said Committee of Her Majesty's Privy Council, for their Consideration and Supervision, and shall receive and consider any Amendments which they may suggest therein; and One Week after such Submission the Commissioners shall cause a Copy of such proposed Byelaws and Regulations to be publicly affixed in some conspicuous Place

Proposed Byelaws to be submitted to the Board of Trade.

Publication of Byelaws as sanctioned by the Board of Trade.

Regulations.

Place in the Coal Market, and (if the same shall be established) in the Head Coalwhippers Office in *London*; and if such proposed Byelaws and Regulations shall be sanctioned by the Lords of the said Committee without Alteration, or if the Amendments which they shall suggest therein shall be adopted, or if the said Committee shall fail to express an Opinion on the Byelaws and Regulations to them submitted within the Space of Four Weeks next after such Submission, the Commissioners shall make public such Byelaws and Regulations, by the Advertisement thereof once in the *London Gazette*, and by affixing Copies thereof in some conspicuous Place or Places in the Coal Market and Custom House in the City of *London*, and in the Head Coalwhippers Office (if any) established under this Act, and in the respective Custom Houses at *Gravesend*, *Newcastle*, *Sunderland*, *Stockton-on-Tees*, and *Leith*, and at such other Places and in such other Manner as to them shall seem fit: Provided also, that the Byelaws and Regulations made under the Powers contained in the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, and now in force, shall continue and be the Byelaws and Regulations under this Act, until the same shall have been rescinded, suspended, altered, or varied under the Provisions of this Act.

Board of Trade to notify Sanction, Disapproval, or Amendment within Four Weeks.

XXVIII. That it shall be lawful for the Lords of the said Committee of Her Majesty's Privy Council to sanction or disapprove of such proposed Byelaws and Regulations, or to suggest any Amendments therein, so that such Sanction or Disapproval, or such suggested Amendments, be notified to the Commissioners within the Space of Four Weeks next after the Submission of such proposed Byelaws and Regulations to the said Committee.

Time when Byelaws to come in force.

XXIX. That such Byelaws and Regulations shall have full legal Effect at the Termination of Four Weeks from the Time when they were so made public by the Commissioners; and a Copy purporting to be made of any such Byelaw or Regulation, and authenticated by the Signature of the Chairman for the Time being of the Commissioners, shall, without any further Proof, be received as Evidence of the Byelaw or Regulation of which it purports to be a Copy, and of such Byelaw or Regulation having been duly made, submitted, issued, and published.

Penalty on Commissioners being interested in any Contract.

XXX. That if any Person, being a Commissioner under this Act, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of the Commissioners, for or concerning any Work to be done under this Act, or Materials to be employed therein, every such Contract shall be void, and

and the Person who, being a Commissioner, shall be so interested or concerned, shall for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same.

Regulations.

VI. *Legal Proceedings.*

Recovery and Application of Fines and Penalties not exceeding 25*l.*

XXXI. That all Fines, Penalties, or Forfeitures by this Act, or by any Byelaw or Regulation made in pursuance thereof, imposed, not exceeding Twenty-five Pounds, shall be sued for within Three Months after the Offence or Offences committed; and all such Fines, Penalties, and Forfeitures shall be levied and recovered before any Justice; and such Justice is hereby empowered and required, upon Information or Complaint to him made, to grant a Summons or Warrant to bring before any Justice such Offender at the Time and Place as shall be in such Warrant specified; and if on the Conviction of the Offender, either on his Confession or on the Evidence of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), such Fine, Penalty, or Forfeiture shall not be forthwith paid, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice, and the Overplus of the Money (if any) raised by such Distress and Sale, after deducting the Fine, Penalty, or Forfeiture, and the Costs and Charges of making such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of Distress, or in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offence shall be committed, there to remain, without Bail or Mainprise, for any Time not exceeding Six Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid; and all such Fines, Penalties, and Forfeitures, when recovered, shall be paid as herein-after directed.

If Penalties not paid, the same may be levied by Distress.

If Distress not sufficient, Offender may be committed.

Justices may proceed by Summons in the Recovery of Penalties.

XXXII. That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable before a Justice it shall be lawful for any Justice to whom Complaint shall be made of any Offence against this Act, or any Byelaw or Regulation made in pursuance thereof, to summon the Party complained against before him; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode, or if the Party be the Master or other Person in charge of any Vessel, with some Person in such Vessel; and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken

Legal Proceedings.

taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Power to the Justice to give Part of Penalties to Informers.

XXXIII. Provided always, nevertheless, That it shall be lawful for any Justice before whom any such Conviction shall take place, if he shall think fit, to order and direct any Part, not exceeding One Half, of such Fines, Penalties, and Forfeitures, to be paid or applied to or for the Use of the Informer or other Person aiding or assisting in the Apprehension of the Offender.

Power to Justice to order Expenses of Witnesses, &c. to be paid.

XXXIV. That it shall be lawful for any Justice before whom any Person shall be brought or convicted for any Offence for which a Penalty is imposed by this Act, or by any Byelaw or Regulation made in pursuance thereof, to direct all or any Part, according to the Discretion of such Justice, of the reasonable Expenses of any Constable, Police Officer, or other Witness, of the Matter which shall be charged, and of such Compensation (if any) for the Time and Trouble of such Witness, as such Justice shall think reasonable, to be paid either by the Offender or the Complainant; and the Sum so ordered to be paid shall and may be recovered, together with any Penalty of which the Person by whom the same shall be ordered to be paid shall have been convicted, or without, in the same Manner as any Penalty is directed to be recovered by this Act, and shall be paid to such Constable, Police Officer, or other Witness.

Persons convicted may appeal to the Quarter Sessions, upon giving Security.

XXXV. That it shall be lawful for any Person so convicted by any Justice as before mentioned of any Offence against this Act, or against any Byelaw or Regulation made in pursuance thereof, to appeal to the Justices assembled at the General or Quarter Sessions, on giving immediate Notice of such Appeal, and finding sufficient Security, to the Satisfaction of any Justice, for prosecuting the said Appeal with Effect, and abiding the Determination of the Court therein; and such Justices in such General or Quarter Sessions shall hear and determine the Matter of such Appeal, and may either confirm or quash and annul the said Conviction, and award such Costs to either Party as to them the said Justices shall seem just and reasonable; and the Decision of the said Justices therein shall be final, binding, and conclusive; and no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form only, or be removed by Certiorari or any other Writ or Process whatsoever into any of the Superior Courts or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

XXXVI. That

Legal Proceedings.

Justices may summon Witnesses.

Penalty on Persons refusing to attend when summoned.

XXXVI. That it shall be lawful for any Justice before whom any such Fines, Penalties, or Forfeitures shall be sued for to summon any Person who shall in or by the Complaint or Information made to him appear to be a necessary Witness as to the Matters thereby charged to appear before any Justice at a Time and Place to be specified in the Summons; and in case such Person so summoned shall not appear according to such Summons, then, upon due Proof of the Service of such Summons in manner aforesaid, such Person so summoned, and not appearing in compliance therewith, shall forfeit and pay the Sum of Twenty-five Pounds, to be levied and recovered in such Manner and by such Ways and Means as are herein-before directed as to other Penalties; and it shall be lawful for the said Justice to cause such Person to be apprehended, by Warrant under the Hand and Seal of such Justice, and to be brought before him, and thereupon, whether such Person shall appear upon Summons as aforesaid, or shall be apprehended as aforesaid, the Justice shall and may proceed to examine him upon Oath as to the Matter of such Complaint or Information; and in case such Person shall refuse to be sworn, or to answer or to give Evidence therein, then and in every such Case it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Person so refusing to be sworn or to answer or give Evidence as aforesaid to the Common Gaol or House of Correction of the City, County, or Place in or for which such Justice shall then act, there to remain for any Space of Time not exceeding Six Months.

Persons giving false Evidence liable to Punishment for Perjury.

XXXVII. That if any Person upon his Examination upon Oath before any Justice shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or if any Person shall take or make any false Oath or Affidavit with respect to any Matter or Thing relating to this Act, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are subject and liable to.

Penalties above 25*l.* may be recovered by Action in any Court having competent Jurisdiction.

XXXVIII. That all Fines, Penalties, or Forfeitures exceeding the Sum of Twenty-five Pounds by this Act imposed for any Offence committed against this Act shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any Court having competent Jurisdiction, by the Person who shall inform and sue for the same, within One Month after the Offence shall be committed; and One Moiety of all such Fines, Penalties, or Forfeitures shall be to and for the Use of Our Sovereign Lady the Queen, Her Heirs and Successors, and the other Moiety thereof (together with full Costs of Suit)

Legal Proceedings.

Suit) shall be to and for the Use of the Person who shall inform and sue for the same.

Distress not to be unlawful for Want of Form, nor the Parties to be deemed Trespassers ab initio.

XXXIX. That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or the Proceedings relating thereto, nor shall the Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained in an Action on the Case.

Forms of Summons and Conviction.

XL. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That in all Proceedings before any Justice of the Peace against any Person for any Offence alleged to be committed against this Act the Summons and the Conviction may be drawn according to the Forms Number 1. and Number 2. contained in the Schedule to this Act; and that it shall not be necessary in any Case, in describing the Offence with which any Party is charged, to insert in the Summons or Conviction any Allegation negativing any Exception contained or referred to in the Section of the Act creating the Offence.

Plaintiff not to recover after Tender of Amends.

XLI. That no Plaintiff shall recover in any Action to be commenced against any Person for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant Twenty-one Days before such Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him, or to his Attorney, by or on behalf of the Defendant, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant, in any such Action, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLII. Provided always, That no Action or Suit shall be commenced against any Person for anything done in pursuance of this Act after Three Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall arise; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given,

given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited; or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover full Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

Legal Proceedings.

XLIII. That all pecuniary Penalties and Forfeitures which shall be recovered for any Offence against this Act, or any Byelaw or Regulation established under the Authority hereof, shall, unless the Application thereof be herein or therein or otherwise directed, be paid to some Officer on behalf of the Coalwhippers Office, and shall be applied in aid of the Fraction Fund established by this Act; and that the Enactments contained in an Act passed in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for regulating the Police Courts in the Metropolis*, with respect to the Application of Penalties and Forfeitures, shall not extend to any Penalties or Forfeitures recovered under this Act.

Pecuniary Forfeitures to go to the Fraction Fund.

2 & 3 Vict. c. 71.

XLIV. And in reference to the Monies to be received under or by the Authority of this Act, be it enacted, That all Monies which shall arise from the Deduction out of the Wages of Coalwhippers by this Act authorized to be made, and from the Fees or Payment for their Registration, and for renewed Certificates to them delivered, and the Monies which shall remain (after Payment of all Expenses) from the Produce of the Sale of any Materials or Hereditaments sold under this Act, or from the Hire of Tackle, and the Rent of any Hereditaments let under this Act, shall be paid into the Chamber of the City of *London*, and shall be carried to the Account of the Commissioners, and shall be and constitute the Coalwhippers Fund; and the Monies in such Fund shall be appropriated and applied, by the Order of the Commissioners in Writing signed by any Three or more of them, in the Order, Course, and Manner herein-after mentioned; (that is to say,) firstly, in defraying the Expenses of or incident to the passing of this Act; secondly, in paying to the Commissioners appointed or to be appointed under this Act, for their Attendance, such Sum or Sums of Money as the said Lords of the said Committee of Her Majesty's Privy Council may from Time to Time direct, not exceeding in the whole in any One Year the Sum of One hundred and fifty Pounds; thirdly, in defraying the Salaries and Allowances of the Officers and Servants appointed under the Authority of this Act, the Rent,

VII. *Coalwhippers Fund.*

Monies received under the Act to be paid into the Chamber of the City, and to constitute a Fund.

Appropriation of the Fund.

Coalwhippers Fund.

Rent, Repairs, Taxes, Interest, or Principal Money borrowed, and other current and incidental Expenses of the Registrar and the Officers and Stations to be established under the Provisions or Authority of this Act, or otherwise, to be incurred in carrying this Act into execution; fourthly, in the Discharge of any Principal Money which shall have been raised on the Credit of the Coal Duty of One Penny *per* Ton for the Purposes of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter One hundred and one, or in refunding to the Stock or Fund created by the said first herein-before mentioned Act the Amount of any Principal Monies and Interest which shall have been so raised, and shall have been paid off and discharged by the said Duty, and the Residue (if any) shall be held over as a Balance of Account, or, if the Commissioners shall think fit, shall be invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Commissioners for the Time being, and shall from Time to Time be applied as the Commissioners shall think fit in diminution of the Deduction herein-before authorized to be made from the Hire or Wages of the Coalwhippers: Provided always, that all Monies which shall have accumulated at the Time of the Commencement of this Act, and shall then be in the Chamber of the City of *London*, or otherwise, to the Credit of the Coalwhippers Fund, shall be applied in the same Manner as if the same had been received under the Authority of this Act.

Account to be kept, and Statement laid before Parliament yearly.

XLV. That there shall be provided and kept One or more Book or Books in which all the Monies which shall be received and paid by virtue of this Act shall be entered and set down, with the Dates and Occasions and Particulars of such Receipts and Payments; and the Commissioners shall in each and every Year lay before both Houses of Parliament, within Six Weeks after the Time of their meeting, an Account of the Sums received and paid under the several Heads of Receipt and Payment herein-before enumerated.

VIII. *Miscellaneous.*

Limits of the Port of London.

XLVI. That for the Purposes of this Act the Limits of the Port of *London* shall be considered to be so much of the Port of *London* not higher than *London Bridge* and not lower than *Gravesend* in the County of *Kent* as shall be fixed from Time to Time by the Commissioners, and that the Provisions of this Act shall not extend to Coals transhipped in the said Port; and the Term "whipping" shall be taken to mean the Process commonly known under that Name for the Discharge of Coals from the Ship's Hold in the Port of *London* by manual Labour, and no other; and that

that the Word "Gang" shall be construed to mean, not only a complete Gang consisting of Nine Coalwhippers, but also a Portion of a Gang, when the Services of a Portion of a Gang are required. *Miscellaneous.*

XLVII That no Action, Bill, Plaint, or Information for any Fine, Penalty, or Forfeiture imposed by the aforesaid Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, or the aforesaid Act of the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, for not inserting in the Fitter's Certificate the Day of the Month and Year of the loading, or the usual Names of the several and respective Collieries out of which the Coals shall be wrought and gotten, or the Price paid for the same, shall be commenced, or if now or hereafter commenced shall be prosecuted or carried on, by any common Informer, or by any other Person except the Solicitor of the Corporation of *London*, or some Person interested in such Certificate, without the Consent in Writing of some Judge of One of the Superior Courts at *Westminster;* and that immediately from and after the passing of this Act it shall be lawful for any Person against whom any Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted for the Recovery of any such pecuniary Penalty incurred under the said Acts or either of them, except as aforesaid, without such Consent in Writing as aforesaid, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts, for an Order that such Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Form of such Court; and every such Court and Judge is hereby authorized and required, upon such Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued: Provided always, that if it shall appear to the Satisfaction of the said Court or Judge, by Affidavit or otherwise, that any Penalty sought to be recovered in any such Action, Bill, Plaint, or Information has been incurred by the Fraud of the Defendant in such Action, Bill, Plaint, or Information, then and in every such Case it shall be lawful for such Court or Judge to refuse to make such Order as to such Penalty, and thereupon to make such other Order as the said Court or Judge shall deem expedient. For staying certain Actions.

XLVIII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there Construction of Terms.

Miscellaneous.

be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Commissioners" shall mean the Commissioners for the Registration and Regulation of Coalwhippers in the Port of *London:*

The Word "Coals" shall include Cinders and Culm:

The Words "Mayor, Aldermen, and Commons" shall mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled:

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter in question, and shall include the Lord Mayor and any Alderman or the Recorder of the City of *London:*

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the City, Borough, Liberty, or Place in which the Order or Decision from which the Appeal shall be made shall have been made:

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual; and whenever the doing of anything is made punishable by this Act, or by any of the Byelaws made or to be made by the Commissioners, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Short Title of Act.

XLIX. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Coalwhippers (Port of *London*) Act, 1851."

Commencement of Act.

L. That this Act. and the Provisions herein contained, shall take effect from and immediately after the End of this present Session of Parliament, and not before, and shall continue and be in force until the First Day of *January* One thousand eight hundred and fifty-six and to the End of the next Session of Parliament.

The

The SCHEDULE to which the foregoing Act refers.

Number 1.

Form of Summons.

to wit. To *A.B.*

WHEREAS Complaint hath been this Day made before me, *E.F.* Esquire, One of the Police Magistrates of the Metropolis [*or* One of Her Majesty's Justices of the Peace, *as the Case may be*], sitting at the in by *C.D.*, that [*here specify the Offence, and the Time and Place when and where committed, as the Case may be; and, as an Example, the following is a Statement of an Offence against the Twenty-second Section:* " On the " Day of in the Year of our Lord One thousand eight " hundred and at the Parish of in the County " of and within the said District, you the said *A.B.*, being " the Master of a certain Vessel laden with Coal in the Port of London, " did employ a certain Person, to wit, One *G.H.*, not being a Coal- " whipper registered and sent from the Coalwhippers Office under " 'The Coalwhippers (Port of London) Act, 1851,' to labour in the " Discharge of the Coals from such Vessel by the Process of whipping"], contrary to the said Act, whereby you the said *A.B.* have become liable to forfeit a Sum not exceeding Pounds: These are therefore, in Her Majesty's Name, to summon and require you personally to be and appear before me, or such other Magistrate as may be present, at on next at of the Clock in the noon, then and there to answer the Premises as the Law directs. And hereof fail not, as you will answer the Contempt. Given under my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and

E.F. (Seal.)

Number

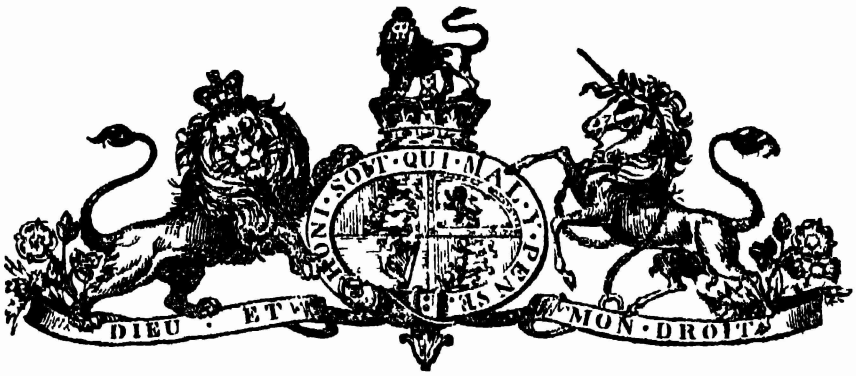
Number 2.

Form of Conviction.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me, *E.F.* Esquire, One of the Police Magistrates of the Metropolis [*or* One of Her Majesty's Justices of the Peace for the *as the Case may be*] [*here specify the Offence, and the Time and Place when and where committed, as the Case may be, as mentioned in the Summons*], contrary to "The Coalwhippers (Port of London) Act, 1851." Given under my Hand and Seal, the Day and Year first above written.

E.F. (Seal.)

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXIX.

An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels. [7th *August* 1851.]

WHEREAS it is expedient to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Steam Navigation, and for requiring Sea-going Vessels to carry Boats*, and another Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act for the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels*, shall be repealed from the Time that this Act comes into operation as herein-after provided,

9 & 10 Vict. c. 100. and 11 & 12 Vict. c. 81. repealed from the Time this Act comes into operation, except, &c.

Existing Certificates to continue in force.

vided, except as to any Penalties incurred thereunder, and also except as to any Certificates of the Sufficiency of Steam Vessels issued thereunder by the Lords of the Committee of Privy Council for Trade, which Certificates, unless the same be cancelled or revoked under the Provisions of this Act, shall remain and be in force as if this Act had been passed and had come into operation before the issuing thereof, and they had been issued thereunder.

The Naval Department of the Board of Trade to assist in the Execution of this Act.

II. And be it enacted, That the Persons from Time to Time appointed to assist the Lords of the said Committee in the Execution of the Mercantile Marine Act, 1850, and who are herein-after referred to as the Naval Department of the Board of Trade, shall assist the Lords of the said Committee in the Execution of this Act.

Survey of Steam Vessels and Number of Passengers.

Steam Vessels to be surveyed, and Owners to transmit Declarations to Board of Trade twice a Year.

And with respect to the Provision to be made for ensuring the periodical Survey of Steam Vessels, be it enacted as follows:

III. The Owner of every Steam Vessel constructed or intended to carry Passengers (except Vessels which fall within the Definition of Foreign-going Ships contained in the Mercantile Marine Act, 1850, and are employed in the Conveyance of the Royal Public Mails or Despatches under Contract with and under the Superintendence of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral,) shall cause such Steam Vessel to be surveyed twice at least in every Year, at the Times herein-after directed, by a Shipwright Surveyor and by an Engineer Surveyor appointed for the Purposes of this Act by the Lords of the said Committee, such Shipwright Surveyor in the Case of an Iron Steam Vessel being a Person properly qualified to survey Iron Steam Vessels, and shall obtain a Declaration of the Sufficiency and good Condition of the Hull of such Steamer, and of the Boats and other Equipments thereof, required by this Act, and also, if the Lords of the said Committee so require, a Statement of the Number of Passengers (whether Deck Passengers or other Passengers) which such Vessel is constructed to carry, under the Hand of such Shipwright Surveyor, and a Declaration of the Sufficiency and good Condition of the Machinery of such Steamer under the Hand of such Engineer Surveyor, and in such Declarations it shall be distinguished whether such Vessel is in Construction and Equipments adapted for Sea Service as well as for River or Lake Service, or for River or Lake Service only; and when any such Vessel is adapted for Lake and River Service only, such Declaration shall state the local Limits within which such Vessel is in the Judgment of the Surveyor adapted for plying; and in the Case of Sea-going Vessels the Declaration of One of the Surveyors shall contain a Statement that he

he is satisfied that the Compasses have been properly examined and adjusted; and such Owner shall transmit such Declarations to the Lords of the said Committee within Fourteen Days after the Dates thereof respectively.

Survey of Steam Vessels and Number of Passengers.

IV. In all Cases where the same may be possible such Surveys shall be made in the Months of *April* and of *October* and such Declarations shall be transmitted on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* respectively, or if the last preceding Survey of any such Steam Vessel were not made in either of those Months, then such Survey shall be made and such Declaration transmitted in the course of the Thirty Days next before the Expiration of Six Months next after the Date of the Certificate granted as herein-after mentioned upon the last preceding Survey; but if the Owner of any such Steam Vessel as aforesaid be unable to have the same surveyed in the Month of *April* or *October*, as the Case may be, or in the course of such Thirty Days as aforesaid, either by reason of such Vessel being absent from the United Kingdom during the whole of those Periods respectively, or by reason of such Vessel or the Machinery thereof being under Construction or Repair, or of such Vessel being laid up in Dock, or for any other Reason satisfactory to the Lords of the said Committee, then the Owner of such Steam Vessel shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such Declarations to the Lords of the said Committee, within Fourteen Days after the Date thereof, together with a Statement of the Reasons which have prevented the Survey of such Vessel at the Time herein-before prescribed; and the Owner of every such Steam Vessel in respect of which such Declarations shall not have been transmitted at the Times and in the Manner herein-before directed shall, except in any Case in which the Survey of such Vessel shall have been prevented as herein-before is provided, forfeit and pay the Sum of Ten Shillings for every Day that the sending of such Declarations is delayed, and such Sum shall be paid upon the Issue of the Certificate herein-after mentioned, together with the Fee herein-after mentioned, unless the Lords of the said Committee think fit in any Case to remit such Forfeiture or any Part thereof.

Times appointed for the Surveys.

V. Upon the Receipt of such Declarations the Lords of the said Committee shall register the same, and, if they are satisfied that the Provisions of this Act have been complied with, shall cause to be transmitted to the Master or Owner of the Steam Vessel to which such Declarations refer a Certificate, signed by One of the Secretaries to the said Committee, or by some One or more of the Members of the Naval Department of the Board of Trade, or the Secretary to such

Board of Trade to grant Certificates, and transmit Lists, to be put up at Custom Houses.

Survey of Steam Vessels and Number of Passengers.

such Department, that the Provisions of the Law with respect to the Transmission of Declarations in respect of such Vessel have been complied with; and such Certificate shall be called a "Sea-going Certificate" where, according to the Declaration of the Surveyor, such Vessel is adapted for Sea Service as well as River or Lake Service; and such Certificate shall be called a "River Certificate" where, according to such Declaration, such Vessel is adapted for River or Lake Service only, and shall set out the local Limits within which such Vessel is to ply; and where any such Vessel is constructed to carry Passengers, and the Lords of the said Committee think fit so to do, in order to prevent the over-crowding of such Vessel with Passengers, they shall insert in such Certificate the Number of Passengers, whether Deck Passengers or other Passengers, which such Vessel is constructed to carry; and the Lords of the said Committee shall from Time to Time transmit Lists of the Vessels in respect of which such Certificates have been issued to the Officers of Customs in all Ports in the United Kingdom, and such Officers shall cause such Lists to be put up in a conspicuous Place in the Custom House at each Port.

Board of Trade may cancel Certificates, and require fresh Declarations.

VI. The Lords of the said Committee may revoke and cancel such Certificates in any Case where they have Reason to believe that the Declarations of the Sufficiency and good Condition of the Hull and Machinery of any Vessel, or either of them, have been fraudulently or erroneously made, or that such Certificate has otherwise been issued upon false or erroneous Information, or where they have Reason to believe that since the making of such Declarations the Hull or Machinery of such Vessel has sustained any Injury, or is otherwise insufficient; and in every such Case the Lords of the said Committee may, if they think fit, require the Owner to have the Hull or Machinery of such Vessel again surveyed, and to transmit a further Declaration or Declarations of the Sufficiency and good Condition thereof before re-issuing any Certificate, or granting a fresh one in lieu thereof; and the Lords of the said Committee may at any Time revoke any Certificate, for the Purpose of inserting in any Certificate to be issued in lieu thereof the Number of Passengers which the Vessel to which such Certificate relates is constructed to carry.

How long Certificates to continue in force.

VII. No Certificate bearing Date on any Day between the First of *April* and the Fifteenth of *May* in any Year shall be held to be in force, for the Purposes of this Act, after the Fifteenth Day of *November* following, and no Certificate bearing Date on any Day between the First of *October* and the Fifteenth of *November* following shall be held to be in force for the Purposes of this Act after the Fifteenth Day of *May* following, and no Certificate bearing Date on any

any Day not falling within the Periods before defined shall be held to be in force after the Expiration of Six Months from the Date thereof, and no Certificate shall be in force after Notice to the Owner or Master of the Vessel to which the same relates by the Lords of the said Committee that they have revoked the same: Provided always, that if any Steam Vessel shall have been absent from the United Kingdom for the whole of the Month of *April* or the whole of the Month of *October* in any Year, or the whole of the Thirty Days next before the Expiration of Six Months from the Date of the Certificate last granted in respect of such Vessel, the Certificate previously granted to such Vessel (if not expressly cancelled or revoked) shall continue in force till the Return of such Vessel to the United Kingdom, and for Twenty-one Days afterwards.

Survey of Steam Vessels and Number of Passengers.

Proviso.

VIII. The Owner of every Steam Vessel requiring a Certificate under this Act shall pay for every Certificate granted by the Lords of the said Committee such Sum as the Lords of the said Committee appoint, not exceeding the Sums following; that is to say,

Fees to be paid for Certificates.

Where the Tonnage of such Vessel does not exceed One hundred Tons, a Sum not exceeding Two Pounds:

Where such Tonnage exceeds One hundred Tons and does not exceed Three hundred Tons, a Sum not exceeding Three Pounds:

Where such Tonnage exceeds Three hundred Tons, a Sum not exceeding Four Pounds:

And such Fees, as well as such Forfeitures as herein-before mentioned, shall be paid to the Lords of the said Committee, or as they may direct, and shall be applied towards defraying the Expenses incurred in execution of this Act; and the Lords of the said Committee may regulate the Manner in which such Fees and Forfeitures are to be received, and in which they are to be kept, and in which they are to be accounted for.

Application of Fees and Forfeitures.

IX. Every Person who knowingly and wilfully makes or assists in making a false or fraudulent Declaration or Certificate with respect to any Vessel requiring a Certificate under this Act, or who knowingly and wilfully forges, counterfeits, or fraudulently alters, or assists in forging, counterfeiting, or fraudulently altering, any Declaration or Certificate required by this Act, or any Words or Figures in any such Declaration or Certificate, or the Signature thereto, shall be deemed guilty of a Misdemeanor, or shall be liable, on summary Conviction, to a Penalty not exceeding Fifty Pounds, or to Imprisonment, with or without Hard Labour, not exceeding One Month.

Forgery of Declaration or Certificate to be a Misdemeanor, or subject Person summarily convicted to Fine or Imprisonment.

Survey of Steam Vessels and Number of Passengers.

Copy of Certificate to be placed in conspicuous Part of Vessel.

X. The Owner or Master of every Steam Vessel shall forthwith on Receipt of any such Certificate as aforesaid by him or his Agent from the Lords of the said Committee cause the same or a true Copy thereof, in distinct and legible Characters, to be put up in some conspicuous Part of the Vessel, so as to be visible to all Persons on board the same, and shall cause it to be continued so put up so long as such Certificate remains in force and such Vessel is in use, and in default such Owner, or if he can prove the Default to have been caused by the Master, such Master shall for every Offence be liable to a Forfeiture or Penalty not exceeding Ten Pounds.

Vessel not to proceed on her Voyage without Certificate.

No Officer of the Customs to clear out, &c. any Steam Vessels, but upon Production of Certificate.

Penalty on Owners and Masters of Vessels proceeding without Certificate.

XI. It shall not be lawful for any Steam Vessel (other than any such Mail Packet as aforesaid) to proceed to Sea or upon any Voyage or Excursion with any Passengers on board the Owner of which has not transmitted to the Lords of the said Committee the Declarations herein-before required, and the Owner or Master of which has not received from them a Certificate that the Provisions of the Law in that respect have been complied with as herein-before provided for, such Certificate being a Certificate applicable to the Voyage or Excursion on which such Vessel is proceeding; and no Officer of Her Majesty's Customs shall clear out any Steam Vessel (other than any such Mail Packet as aforesaid) for Sea or for any Voyage or Excursion, with Passengers on board, or grant to the Owner or Master thereof any Transire or other Customs Document necessary for the Conduct thereof, unless upon the Production of such Certificate as aforesaid (being a Certificate then in force); and if the Owner or Master of any Steam Vessel (other than any such Mail Packet as aforesaid) proceed to Sea or on any Voyage or Excursion, with any Passengers on board, without having such Certificate as aforesaid, or a true Copy thereof in distinct and legible Characters on board, and so put up as aforesaid in some conspicuous Part of the Vessel, (such Certificate being a Certificate then in force,) the Owner thereof shall for such Offence be liable to a Penalty not exceeding One hundred Pounds, and the Master of such Vessel shall also be liable to a further Penalty not exceeding Twenty Pounds.

Penalty on Owner, &c. for carrying more Passengers than specified in Certificate.

XII. If in any such Certificate the Number of Passengers which the Vessel to which such Certificate relates is constructed to carry is stated, it shall not be lawful to carry on board thereof any greater Number of Passengers, whether Deck Passengers or other Passengers, than the Numbers thereof respectively stated in such Certificate; and if the Owner or Master or other Person in charge of any such Vessel receive on board thereof, or if such Vessel shall at any Time have

have on board, any greater Number of Passengers, whether Deck Passengers or other Passengers, than the Numbers thereof respectively specified in such Certificate, the Owner or the Master or other Person having charge thereof shall forfeit a Sum not exceeding Twenty Pounds, and shall also forfeit Five Shillings for every Passenger over and above the Number so specified in the Certificate as aforesaid.

Survey of Steam Vessels and Number of Passengers.

XIII. If any Person, after having been refused Admission into any Steam Vessel by the Owner or Person in charge thereof, or by any Person in the Employ of the Owner thereof, on account of such Steam Vessel being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, shall nevertheless persist in attempting to enter the same, or if any Person, having got on board any Steam Vessel, be requested, on the like Account, by the Owner or Person in charge thereof, or by any Person in the Employ of the Owner, to leave such Steam Vessel before the same has quitted the Place at which such Person got on board, and shall refuse so to do after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, then and in either of such Cases such Person shall for such Offence forfeit and pay to the Owner of such Vessel any Sum not exceeding Forty Shillings.

Penalty on Persons forcing their Way on board when Vessels are full.

XIV. If any Person travel or attempt to travel in any Steam Vessel that has been duly surveyed in conformity with the Provisions of this Act without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person having paid his Fare for a certain Distance knowingly and wilfully proceed in any such Vessel beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Vessel, every such Person shall for every such Offence forfeit and pay to the Owner of such Vessel a Sum not exceeding Five Shillings, in addition to the Fare payable by him.

Penalty on Persons refusing to pay their Fares or to quit the Vessel.

XV. Every Person who, having committed any of the Offences mentioned in the last Two preceding Sections or either of them, refuses, on Application of the Master of the Vessel or other Person in the Employ of the Owner thereof, to give his Name and Address, or who on such Application gives a false Name or Address, shall forfeit and pay to the Owner of such Vessel a Sum not exceeding Twenty Pounds.

Penalty on Offenders refusing to give their Name and Address.

XVI. The Lords of the said Committee may from Time to Time appoint such Number of fit and proper Persons to be Shipwright Surveyors

Power for Board of Trade to appoint and

remove Shipwright Surveyors, &c., and fix Rates of Remuneration.

Surveyors and Engineer Surveyors for the Purposes of this Act, at such Ports or Places as they think proper, and may from Time to Time remove such Surveyors or any of them, and they may from Time to Time fix, alter, or vary the Rates of Remuneration to be received by such Surveyors.

Surveyors to make Returns of the Build, &c. of Vessels, and Owners, &c. to give Information for that Purpose.

XVII. The said Surveyors shall make such Returns from Time to Time to the Lords of the said Committee with respect to the Build, Dimensions, Draft, Burden, Rate of Sailing, Room for Fuel, and the Nature and Particulars of Machinery of the Vessels surveyed by them, as shall be required by the Lords of the said Committee; and every Owner, Master, and Engineer of any such Vessel shall, on Demand, give to such Surveyors all such Information and Assistance within his Power as may be required by them for the Purpose of such Returns; and every such Owner, Master, and Engineer who, on being applied to for that Purpose, wilfully refuses or neglects to give such Information or Assistance, shall be liable to a Penalty not exceeding Five Pounds.

Surveyors to act under Direction of the Board of Trade: to be allowed to go on board Steam Vessels to inspect, &c.

XVIII. The said Surveyors shall execute their Duties under the Direction of the Lords of the said Committee; and in the Execution of such Duties it shall be lawful for them to go on board any Steam Vessel at all reasonable Times, and to inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Vessel from proceeding on any Voyage, and, if in consequence of any Accident to any such Vessel or for any other Reason they consider it necessary so to do, to require the Vessel to be taken into Dock for the Purpose of surveying the Hull thereof; and any Person who hinders any such Surveyor from going on board any such Steam Vessel, or otherwise impedes him in the Execution of his Duty under this Act, shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Surveyors demanding or receiving Fees unlawfully.

XIX. Every such Surveyor who demands or receives, directly or indirectly, from the Owner or Master of any Vessel surveyed by him under the Provisions of this Act, any Fee or Remuneration whatsoever for or in respect of such Survey, otherwise than as the Agent, and by the Direction of the Lords of the said Committee, shall be liable to a Penalty not exceeding Fifty Pounds at the Suit of any Person whomsoever.

Build of Iron Steamers.

Iron Steamers to be

XX. That the Owner of every Steam Vessel built of Iron, of One hundred Tons Burthen or upwards, the building of which shall

shall have been commenced since the Twenty-eighth Day of *August* in the Year of our Lord One thousand eight hundred and forty-six, and the Owner of every Steam Vessel built of Iron of less Burthen than One hundred Tons, the building of which shall have commenced after the passing of this Act, except Vessels used solely as Steam Tugs, shall cause the same to be divided by transverse Water-tight Partitions, so that the Fore Part of the Vessel shall be separated from the Engine Room by One of such Partitions, and so that the After Part of such Vessel shall be separated from the Engine Room by another of such Partitions; and it shall not be lawful for the Officers of Her Majesty's Customs, or for any other Person, to grant a Certificate of *British* Registry to, or to clear out or grant a Transire to, or allow to proceed to Sea, any Iron Steamer of One hundred Tons Burthen or upwards, built since the said Twenty-eighth Day of *August* One thousand eight hundred and forty-six, or to any Iron Steamer of less Burthen than One hundred Tons built after the passing of this Act, except as aforesaid, unless the same be so divided as aforesaid; and if any Steamer herein-before required to be so divided proceeds to Sea without being so divided, the Owner shall be liable to a Penalty not exceeding One hundred Pounds.

Build of Iron Steamers.

divided by Water-tight Partitions.

Officers of Customs not to grant Certificates, except so divided.

Penalty on Owner for Neglect.

And with regard to Safety Valves, be it enacted as follows:

Safety Valves.

XXI. After the Thirty-first Day of *March* One thousand eight hundred and fifty-two it shall not be lawful for any Steam Boat, of which Surveys are required by the Provisions of this Act, to go to Sea, or to steam upon the Rivers of the United Kingdom, without having a Safety Valve upon each Boiler, free from the Care of the Engineer, and out of his Control and Interference; and such Safety Valve shall be deemed to be a necessary Part of the Machinery, upon the Sufficiency of which the Engineer Surveyor is to report as herein provided.

Steam Vessels to carry Safety Valves out of Control of Engineer, and to be deemed a necessary Part of Machinery.

And with respect to the Boats and other Equipments to be provided for Sea-going Vessels, be it enacted as follows:

Boats, &c. in Sea-going Vessels.

XXII. No decked Vessel, except Vessels used solely as Steam Tugs, shall proceed to Sea from any Port or Place in the United Kingdom whatsoever unless it shall be provided, according to its Tonnage, with Boats duly supplied with all Requisites for their Use, and not being fewer in Number nor less in their Cubic Contents than the Boats the Number and Cubic Contents of which are specified in the following Table; provided that the said Limits of Dimension be not considered applicable to Vessels engaged in the Whale Fishery:

Sea-going Vessels to be provided with the Number of Boats and of the Dimensions herein mentioned.

TABLE.

Registered Tonnage.		Column 1. To be carried by Sailing Vessels and Steam Vessels.								Column 2. To be carried by Sailing Vessels and by Steam Vessels, unless they carry the Boats in No. 3.				Column 3. To be carried by Steam Vessels which do not carry the Boats in Col. 2.				Total Number of Boats.	
		Boats.				Boats.				Launches.				Boats.					
Sailing Vessels.	Steam Vessels.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Sailing Vessels.	Steam Vessels.
Tons.	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		
800 and upwards -	500 and upwards -	1	18	5 6	2 3	2	24	5 6	2 6	1	26	8 0	3 8	2	22	5 6	2 6	4	4 or 5
600 to 800 -	360 to 500 -	1	16	5 6	2 3	2	24	5 6	2 6	1	25	7 0	3 6	2	22	5 6	2 6	4	4 or 5
400 to 600 -	240 to 360 -	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4
200 to 400 -	120 to 240 -	1	14	5 0	2 2	—	—	—	—	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3
100 to 200 -	60 to 120 -	1	14	5 0	2 2	—	—	—	—	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3
Under 100 -	Under 60 -	1	14	5 0	2 2	—	—	—	—	—	—	—	—	—	—	—	—	1	1

as the Case may be.

Note.—In the Case of Steam Vessels, Two Paddlebox Boats may be substituted for any Two of the Boats in Column 3.

And no such Vessel carrying more than Ten Passengers shall proceed to Sea unless, in addition to the Boats herein-before required, it also be provided with a Life Boat furnished with all Requisites for Use, or unless One of its Boats herein-before required be rendered buoyant after the Manner of Life Boats; and no such Vessel shall proceed to Sea with Passengers as aforesaid unless it also be provided with Two Life Buoys, to be kept ready for immediate Use: Provided, that the Enactments with respect to Boats and Life Buoys herein contained shall not apply in any Case in which a Certificate has been duly obtained under the Ninth Section of the Passengers Act, 1849.

Enactments with respect to Boats and Life Buoys in Sect. 9 of 12 & 13 Vict. c. 33. not to be affected.

No Steamer to proceed to Sea without being provided with a Hose, and Signals.

XXIII. No Steam Vessel, except Vessels used solely as Steam Tugs, shall proceed to Sea unless it shall be provided with a Hose adapted for the Purpose of extinguishing Fire in any Part of the Vessel, and capable of being connected with the Engines of the Vessel, nor, if carrying Passengers, without being provided with the following Means of making Signals of Distress, that is to say, Twelve Blue Lights, or Twelve Port-fires, and One Cannon, with Ammunition for at least Twelve Charges, or, in the Discretion of the Master or Owner of such Vessel, with such other Means of making Signals as shall have been previously approved by the Lords of the said Committee.

XXIV. If

Boats, &c. in Sea-going Vessels.

Penalties on Masters, &c neglecting to provide Boats, Equipments, &c.

XXIV. If any such Steam or other Vessel as aforesaid proceed to Sea without being provided with such Boats and other Equipments as herein-before required for such Vessel, or if any of such Boats or other Equipments be lost or rendered useless in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master, or if in case of any of such Boats or Life Buoys being accidentally lost or injured in the course of the Voyage the Master or other Person having charge of the Vessel wilfully neglect to replace or repair the same on the first convenient Opportunity, then and in every Case where the Owner shall appear to be in fault he shall be liable to a Penalty not exceeding One hundred Pounds, and in every Case where the Master or other Person having charge of the Vessel shall appear to be in fault he shall be liable to a Penalty not exceeding Fifty Pounds.

Officers of Customs not to clear out Vessels not complying with the above Provisions.

XXV. It shall not be lawful for any Officer of Customs to clear out, or to grant a Transire to, or allow to proceed to Sea, any such Steam or other Vessel as aforesaid, unless the same is provided with such Boats and other Equipments as herein-before required for such Vessel; and in any Case in which any Vessel is delayed by reason of Non-compliance with any of the Provisions herein-before contained the Tide-waiter left on board shall be maintained at the Expense of the Master or Owner of such Vessel until such Provisions are complied with.

Lights, and Provisions against Accidents from Collision.

And with respect to the Lights to be carried, and other Provision to be made for guarding against Accidents from Collision, be it enacted as follows:

Admiralty to make Regulations as to Lights.

XXVI. The Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall from Time to Time make Regulations requiring the Exhibition of such Lights, by such Classes of Vessels, whether Steam or Sailing Vessels, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same, and they shall cause such Regulations to be published in the *London Gazette*, and to be otherwise publicly made known, and such Regulations shall come into operation on a Day to be named in such Gazette, and they shall cause such Regulations to be printed, and shall furnish a Copy thereof to any Owner or Master of a Vessel who applies for the same, and Production of the Gazette containing such Regulations shall be sufficient Evidence of the Purport and due making thereof; and all Owners and Masters or Persons having charge of Vessels shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such Lights, and no others, at such Times, within

Penalty on Owners and Masters failing to obey them.

Lights, and Provisions against Accidents from Collision.

within such Places, in such Manner, and under such Circumstances as are enjoined by such Regulations; and in case of Default the Master or other Person having charge of any Vessel, or the Owner of such Vessel, if it appear that he was in fault, shall for each and every Occasion upon which such Regulations are infringed forfeit and pay a Sum not exceeding Twenty Pounds: Provided always, that all Regulations made by the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, under the Authority of the said recited Acts or either of them, and in force at the passing of this Act, together with the Penalties applicable thereto, shall continue and be in force as if the same had been made under this Act, until the same be revoked.

Existing Regulations to continue in force till revoked.

Rules to be observed by Vessels passing each other.

XXVII. Whenever any Vessel proceeding in One Direction meets a Vessel proceeding in another Direction, and the Master or other Person having charge of either such Vessel perceives that if both Vessels continue their respective Courses they will pass so near as to involve any Risk of a Collision, he shall put the Helm of his Vessel to Port, so as to pass on the Port Side of the other Vessel, due Regard being had to the Tide and to the Position of each Vessel with respect to the Dangers of the Channel, and, as regards Sailing Vessels, to the keeping of each Vessel under Command; and the Master of any Steam Vessel navigating any River or narrow Channel shall keep as far as is practicable to that Side of the Fairway or Mid-channel thereof which lies on the Starboard Side of such Vessel; and if the Master or other Person having charge of any Steam Vessel neglect to observe these Regulations or either of them, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Owners not entitled to Compensation in certain Cases of Collision, but Master to be liable to Penalty.

XXVIII. If in any Case of a Collision between Two or more Vessels it appear that such Collision was occasioned by the Nonobservance either of the foregoing Rules with respect to the passing of Steamers or of the Rules to be made as aforesaid by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral with respect to the Exhibition of Lights, the Owner of the Vessel by which any such Rule has been infringed shall not be entitled to recover any Recompence whatsoever for any Damage sustained by such Vessel in such Collision, unless it appears to the Court before which the Case is tried that the Circumstances of the Case were such as to justify a Departure from the Rule; and in case any Damage to Person or Property be sustained in consequence of the Nonobservance of any of the said Rules, the same shall in all Courts of Justice be deemed, in the Absence of Proof to the contrary, to have been occa-

sioned

sioned by the wilful Default of the Master or other Person having the Charge of such Vessel, and such Master or other Person shall, unless it appears to the Court before which the Case is tried that the Circumstances of the Case were such as to justify a Departure from the Rule, be subject in all Proceedings, whether civil or criminal, to the legal Consequences of such Default.

Lights, and Provisions against Accidents from Collision.

XXIX. Whenever any Steam Vessel (other than a Ship of War) has sustained or caused any Accident occasioning Loss of Life or any serious Injury to any Person, or has received any material Damage affecting her Seaworthiness or Efficiency either in her Hull or in any Part of her Machinery, the Owner, Master, or other Person having the Charge of such Vessel shall, within Twenty-four Hours after the happening of such Accident or Damage, or as soon thereafter as possible, transmit through the Post Office to the Lords of the said Committee, by Letter signed by such Master or other Person, a Report of such Accident or Damage, and the probable Occasion thereof, stating the Name of the Vessel, the Port to which she belongs, and the Place where she is; and if such Master or other Person neglect so to do he shall for such Offence be liable to a Penalty not exceeding Fifty Pounds.

Accidents to be reported to Board of Trade.

XXX. If the Owner of any Steam Vessel have Reason, owing to the Nonappearance of such Vessel, or to any other Circumstance, to apprehend that such Vessel has been wholly lost, he shall as soon as conveniently may be send Notice thereof in like Manner to the Lords of the said Committee, and if he neglect so to do within a reasonable Time he shall for such Offence be liable to a Penalty not exceeding Fifty Pounds.

Notice to be given of apprehended Loss of Steam Vessels.

And with regard to the Provision to be made for the Inspection of Steam Vessels, be it enacted as follows:

Inspection of Steam Vessels.

XXXI. The Lords of the said Committee may from Time to Time, whenever it seems expedient to them so to do, appoint any of the Surveyors to be appointed by them as aforesaid, or any other fit Person, as an Inspector, to go on board any Ship or Vessel, to report to them whether the Provisions of this Act, or the Regulations made under or by virtue of this Act, have been complied with, and also whether the Hull and Machinery of such Vessel, if the same be a Steam Vessel, are sufficient and in good Condition, or to report to them upon the Nature and Causes of any Accident or Damage which such Vessel has sustained or caused, or is said to have sustained or caused.

Board of Trade may send Inspectors on board Vessels whenever necessary.

Inspection of Steam Vessels.

Powers of Inspectors.

XXXII. It shall be lawful for any such Inspector as aforesaid, and also for any Person being a Member of the said Naval Department of the Board of Trade, to go on board any Steam Vessel at all reasonable Times, and to inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Vessel from proceeding on any Voyage; and in all Cases of Accident or Damage such Inspector or other Person may make such Inquiries, and require Answers or Returns thereto, as to the Nature, Circumstances, and Causes of such Accident or Damage, as he thinks fit, and may, by Summons under his Hand, require the Attendance of all Persons whom he thinks fit to call before him upon any Question or Matter connected therewith or relating thereto, and may administer Oaths, and examine such Persons upon Oath, and may require and enforce the Production upon Oath of all Log Books, Accounts, Agreements, or other Papers or Writings in anywise relating to any such Matter as aforesaid, or in lieu of requiring and administering an Oath may require any Person to make and subscribe a Declaration of the Truth of the Matters respecting which he has been examined or interrogated: Provided always, that no Person shall be required, in obedience to any Summons from such Inspector or other Person, to travel more than Ten Miles from his actual Abode at the Time of receiving such Summons, unless such reasonable Allowance for Expenses in respect of his Attendance to give Evidence and of his Journeys to and from the Place where he may be required to attend for that Purpose be made and tendered to him as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster;* and in case of any Dispute as to the Amount of such Expenses the same shall be referred by such Inspector, or other Person, to One of the Masters of Her Majesty's Court of Queen's Bench, and such Master shall, on a Request made to him for that Purpose under the Hand of such Inspector or other Person, ascertain and certify the proper Amount of such Expenses.

Proviso for Expenses of Witnesses.

Penalty for obstructing Inspectors.

XXXIII. If any Person wilfully impede such Inspector or other Person in the Execution of any Part of his Duty, whether on board any Ship or Vessel or elsewhere, every Person so offending, and all Persons aiding and assisting therein, may be seized and detained by such Inspector or other Person, or by any Persons called by him to his Assistance, until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction; and every such Offender, and also every Person who refuses to

to attend as a Witness before any such Inspector or other Person, when required so to do, in the Manner hereby directed, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which such Inspector or other Person is hereby empowered to require as aforesaid, shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Legal Proceedings.

And with respect to legal Proceedings for enforcing the Provisions of this Act, be it enacted as follows:

Misdemeanors or Offences to be prosecuted by Information or Indictment.

XXXIV. All Misdemeanors or Offences created by this Act may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment or other appropriate legal Proceeding in any Court having appropriate Jurisdiction in any of Her Majesty's Dominions, and shall be punishable with Fine or Imprisonment, or both, as such Court thinks fit; and all Penalties and other Sums of Money hereby made payable or recoverable may be recovered, with Costs, and all Offences hereby made punishable may, unless previously punished as Misdemeanors, be prosecuted and punished, and the Costs of such Prosecution recovered, by some appropriate summary Proceeding, before Two or more Justices, or before a Judge exercising Maritime Jurisdiction, or other Officer or Officers having appropriate Jurisdiction in any Part of Her Majesty's Dominions; and all such summary Proceedings, if instituted in *England* or *Wales*, shall, so far as is consistent with the Provisions of this Act, be carried on in the Manner directed by an Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.* 11 & 12 Vict. c. 43.

Sheriffs in Scotland authorized to exercise Jurisdiction under 11 G. 4. & 1 W. 4. c. 69. to have same Powers, &c. as Justices exercise under this Act.

XXXV. Every Sheriff in *Scotland* shall, within his own County, and in all Places in which Sheriffs are authorized to exercise Jurisdiction in virtue of the Act of the Session of the Eleventh Year of King *George* the Fourth and First Year of King *William* the Fourth, Chapter Sixty-nine, have such Powers and be entitled to exercise such Jurisdiction under this Act as any Justices have or are entitled to exercise under the Provisions of this Act; and any Proceedings instituted under this Act before any such Sheriff may be conducted in the same Way as any summary Proceedings before any Sheriff Court in *Scotland* may for the Time being be lawfully conducted; and every Deliverance, Sentence, and Conviction of any Sheriff under this Act shall be final, and not subject to any Review whatsoever.

XXXVI. For

Legal Proceedings.

Jurisdiction to be where the Offence is committed and wherever Offender is.

XXXVI. For the Purpose of giving Jurisdiction under this Act, every Offence shall be deemed to have been committed, and every Cause of Complaint to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

Service to be good if made personally, or at Abode, or on board Ship, &c.

XXXVII. Service of any Summons or other Matter in any legal Proceeding under this Act shall be deemed good Service if made personally on the Person to be served, or if made at his last known Place of Abode or Business, or if made on board any Vessel to which he belongs, and accompanied with a Statement of the Purport thereof to the Person in command or appearing to be in command or charge of such Vessel.

Proof of Issue and Transmission of Certificates.

XXXVIII. All Certificates purporting to be issued in pursuance of this Act by the Lords of the said Committee, and to be signed as herein-before required, shall be taken to have been so issued and signed, unless the contrary is proved; and every Document purporting to be an Office Copy of any such Certificate as aforesaid, and to be signed in the Manner herein-before required for the Signature of such Certificate, shall be received in Evidence, and shall be deemed to be a true Copy of the Original of which it purports to be a Copy, and in proving the Transmission of any such Certificate from the Lords of the said Committee to the Master or Owner of any Steam Vessel it shall be sufficient to prove that the same was duly received by some Officer of Customs or other public Servant, and was by him delivered to or left at the Place of Abode or Business of such Master or Owner, or delivered to any Person in charge or appearing to be in charge of the Vessel to which the same relates.

Burden of Proof that a Ship is exempted.

XXXIX. If in any legal Proceeding under this Act any Question arises whether any Vessel is or is not within the Provisions of this Act, such Vessel shall be taken to be within such Provisions, unless Proof to the contrary is adduced.

Application of Penalties.

XL. Any Justice or other Court imposing any Penalty under this Act of which no specific Application is herein provided may, if he or they think fit, direct that a Part, not exceeding One Moiety thereof, shall be applied to compensate any Person for any Wrong or Damage which he may have sustained by reason of the Default in respect of which such Penalty is imposed; and, subject to such Directions or specific Application as aforesaid, all such Penalties shall be applied as the Lords of the said Committee direct, in aid of the Expenses to be incurred in execution of this Act.

XLI. No

Legal Proceedings.

Indictments to be preferred by Direction of the Board of Trade or of Commissioners of Customs.

XLI. No Indictment shall be preferred for any Offence against this Act, unless under the Direction of the Lords of the said Committee or of the Commissioners of Her Majesty's Customs, and no Suit or Proceeding shall be commenced for the Recovery of any Penalty or Forfeiture for any such Offence, except where such Penalty or Forfeiture is made payable to the Owner of a Vessel, and, except in any other Cases in which Directions to the contrary are herein-before contained, unless in the Name of some public Officer under the Direction of the Lords of the said Committee or of the said Commissioners respectively; and in any Indictment preferred or Suit or Proceeding instituted under this Act the Averment that the Lords of the said Committee or the Commissioners of Her Majesty's Customs have directed the same to be preferred or instituted shall be sufficient Proof of the Fact, unless the contrary is shown.

Penalties to be sued for within Six Months.

XLII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act, and made summarily recoverable thereunder, unless the Complaint respecting such Offence be made before such Justice within Six Months next after the Commission of such Offence.

No Proceeding to be void for Informality or removed by Certiorari.

XLIII. No Conviction, Order, or other Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or otherwise into any Superior Court.

Distress not unlawful for Want of Form.

XLIV. No Distress levied in any Proceeding under this Act shall be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Parties aggrieved by such Defect or Irregularity may recover Satisfaction for the special Damage in an Action.

Parties aggrieved may appeal to Quarter Sessions on giving Security.

XLV. If any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless within One Month next after the making of such Determination or Adjudication Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the

Legal Proceedings.

Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

XLVI. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they think reasonable.

Miscellaneous.

Not to affect 12 & 13 Vict. c. 88.

XLVII. Nothing in this Act contained shall be taken to repeal or alter any of the Provisions of the "Passengers Act, 1849."

Not to extend to Ships of War or Foreign Vessels.

XLVIII. Nothing in this Act contained shall apply to any Ship belonging to Her Majesty, nor to any Vessel not being a *British* Vessel or a Vessel owned wholly or in part by *British* Subjects, nor to any Steam Ferry Boat working in Chains commonly called a Steam Floating Bridge.

Nothing to affect Privileges of Corporation of London.

XLIX. Nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

Copy of this Act, &c. to be kept on board.

L. The Master of every Steam Vessel to which this Act applies shall provide himself with a Copy thereof, and also of all Regulations made by virtue of this Act by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, with respect to the Exhibition of Lights, and shall at all Times keep the same on board his Vessel, and in case he refuse or neglect to do so shall be subject to a Penalty not exceeding Five Pounds.

Penalty for Neglect.

LI. This

LI. This Act shall come into operation on the Thirty-first of *December* after the passing thereof, and may be cited as "The Steam Navigation Act, 1851." Commencement of Act. Short Title.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same Order had been expressly enacted in this Act.

Limitation of Act to that Part of Great Yarmouth in the County of Norfolk

II. And whereas a Portion of the Borough of *Great Yarmouth*, named in the Schedule of this Act, is situate within the County of *Suffolk*, and Doubts may arise in respect of the Extent of the District constituted by the Provisional Order for the said Borough referred to in the said Schedule: Be it hereby and it is hereby declared, That the said District is confined to so much of the said Borough as is situate within the County of *Norfolk*, and that none of the Powers, Authorities, and Duties to be exercised and fulfilled under or by virtue of the Public Health Act, 1848, or the said Order, shall be exercised and fulfilled under or by virtue of the said Order and this Act beyond the Boundaries of that Part of the said Borough which is contained in the County of *Norfolk*.

Act incorporated with Public Health Act.

III. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were One Act.

Short Title of this Act.

IV. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act for *Great Yarmouth*, 1851."

SCHEDULE to which this Act refers.

PROVISIONAL ORDER of the GENERAL BOARD OF HEALTH submitted for the Confirmation of Parliament.

GREAT YARMOUTH.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and to give such Directions for enabling such Order to be carried into effect as may be deemed fit and proper.

Order of Government of India to be a sufficient Warrant and Authority for the Purpose of Removal.

II. That the Orders and Directions of the said Government of any of the said Presidencies for the Removal of any Person under the Provisions of this Act shall be a sufficient Warrant and Authority to all Commanders of Vessels, and others, to whom the Care and Custody of any such Person shall be committed, for the Removal of such Person from *India* to the United Kingdom in conformity with such Directions, and for his Detention in Custody there until an Order shall be made by Her Majesty as herein-after is mentioned; and that upon the Arrival of any such Person in the United Kingdom it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure in such Place and in such Manner as to Her Majesty shall seem fit, in like Manner as if such Person had been indicted for an Offence and found insane, and were thereby subject to the Provisions of the Act passed in the Thirty-ninth and Fortieth Year of His late Majesty King *George* the Third, intituled *An Act for the safe Custody of Insane Persons charged with Offences.*

Expenses of Removal to be defrayed by East India Company, and charged upon the Revenues of India.

III. That all Expenses attending the Removal from *India* and the safe Custody and Maintenance in *Great Britain* or *Ireland* of all such Persons as aforesaid shall be borne and defrayed by the *East India* Company, who are hereby authorized to charge the Amount of such Expenses upon the Revenues of the Government of *India.*

The Amount of all Expenses incurred by the East India Company to be a Debt due from the Lunatic, and be secured by a Judgment in England and Ireland, and by Decree of Registration in Scotland.

IV. That the Amount of all Expenses incurred by the *East India* Company in respect of the Removal and Custody of any such Person as aforesaid shall be a Debt from such Person to the *East India* Company; and that for securing the Payment thereof the *East India* Company shall be entitled to enter up against such Person as of the Date of the Order for Removal from *India* any Judgment in *England* or *Ireland* in an Amount sufficient to secure the Payment of all Expenses incurred and to be incurred in respect of the Matters aforesaid, and the Costs of ascertaining the same as after mentioned; and on Production at the Office in *Edinburgh* for the Registration of Writs in the Books of Council and Session of a Copy of any Order of the Court of Directors directing such Judgment to be entered up, certified by the Secretary of the said Company, such Order shall be registered in the said Books in like Manner as a Bond executed according to the Law of *Scotland* with a Clause of Registration, and Decree shall be interponed thereon which shall have the like Effect as if such Person had executed such Bond, but without Prejudice to the Provisions herein contained for ascertaining the Sum actually due;

due; and that upon Application to be from Time to Time made to the Lord Chancellor of *Great Britain* in *England* or Chancellor in *Ireland*, being intrusted with the Care of Persons of unsound Mind, or the Court of Session in *Scotland*, the Amount of such Expenses reasonably and properly incurred shall be ascertained by a Reference to One of the Masters of the Court of Chancery, or by a Remit to the Accountant of the Court of Session, or otherwise, in such Manner as the Person or Persons to whom such Application shall be made shall direct; and the *East India* Company shall be entitled from Time to Time to recover Payment of the Amount so ascertained, and the Costs of ascertaining the same, by proceeding on the Judgment in *England* or *Ireland*, and Registered Order and Decree in *Scotland*, and enforcing the same against the Property but not against the Person of the Debtor, in the same Manner as if such Judgment had at the Date of the said Order of Removal been recovered against the Debtor when of sound Mind, and had been entered up at the Date of such Order, or as if such Bond had been granted by the Debtor when of sound Mind at the Date of such Order, and had been duly registered in the Books of Council and Session, and a Decree of the Court of Session interponed thereto.

Lunatics and Idiots may be removed from India by Orders of the Supreme Courts at the several Presidencies.

V. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by the Supreme Court of Judicature at any of the Presidencies of *India*, it shall be lawful for such Supreme Court to declare that such Person ought to be removed from *India* to any Part of the United Kingdom, and thereupon to make such further or other Order or Orders authorizing or directing his Removal, and touching his safe Custody and Maintenance, as to such Supreme Court shall seem fit and proper: Provided always, that in every such Case a Transcript of the Proceedings in the Matter of the Idiotcy or Lunacy of such Person shall, under the Provisions herein-after contained, be transmitted to that Part of the United Kingdom to which such Person shall be removed.

Transcript of all Inquisitions and Orders to be transmitted and entered of Record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom.

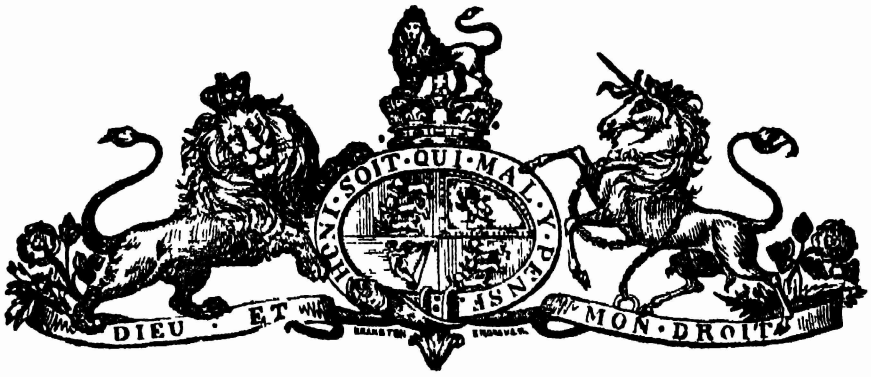
VI. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by any of the Supreme Courts in *India* as aforesaid, it shall be lawful for the proper Officer of the said Supreme Court by the Order of such Court to transmit a Transcript, under the Hand and Seal of the Chief Justice or Senior Judge of such Supreme Court, of the Proceedings by which the Idiotcy, Lunacy, or Unsoundness of Mind shall have been found, and by which such Guardian, Keeper, or Curator shall have been appointed, to the Chancery in *England* and the Court of Session in *Scotland*

Scotland and the Chancery of *Ireland* respectively, as the Case may require, and that such Transcript, when so received, shall be entered as of Record in the Court or Courts to which the same shall be transmitted; and that in the Case of any Supersedeas of any such Proceedings the same shall be certified and transmitted and recorded in like Manner; and that the Record of any such Proceedings or of any such Supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid, or the Court of Session in *Scotland*, or the Chancellor of *Ireland* intrusted as aforesaid, (as the Case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Proceedings or Supersedeas, or Proceedings or a Supersedeas to the like Effect, had taken place in *England*, *Scotland*, or *Ireland* respectively; and it shall be lawful for the Lord Chancellor or other Persons intrusted as aforesaid, the Court of Session in *Scotland*, and the Chancellor of *Ireland* intrusted as aforesaid respectively, from Time to Time to make and give all such Orders or Directions by appointing any Committee or Committees, Curator or Curators, or otherwise, as may appear necessary or proper for securing proper Care and Protection to the Person and Estate of such Idiot, Lunatic, or Person of unsound Mind.

Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal.

VII. That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or any other Person or Persons for the Time being intrusted as aforesaid, and the Powers and Authorities given by this Act to the Lord Chancellor of *Ireland* intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland*, or any other Person or Persons for the Time being intrusted as aforesaid.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXXII.

An Act to simplify the Forms of Appointments to certain Offices, and the Manner of passing Grants under the Great Seal.

[7th *August* 1851.]

WHEREAS by an Act of the Twenty-seventh Year of King *Henry* the Eighth, Chapter Eleven, Provision is made that all Writings to be passed under the Great Seals therein mentioned should be passed through the Offices of the Signet and Privy Seal respectively, by such Warrants as therein described: And whereas it is expedient to simplify the Manner of Appointment to Offices held at the Pleasure of the Crown, and the Mode of granting such Charters and Letters Patent, as herein-after mentioned: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 27 H. 8. c. 11.

I. So much of the said Act of the Twenty-seventh Year of King *Henry* the Eighth as relates to the Warrants and other Writings for or preparatory to the passing of any Gift, Grant, or other Writing under the Great Seal of *England* therein mentioned, shall, after the Commencement of this Act, be repealed. So much of 27 H. 8. c. 11. as relates to Warrants for passing Grants, &c. under the Great Seal repealed.

II. In

Authority for passing Grants under the Great Seal.

II. In every Case where, under the said Act of the Twenty-seventh Year of King *Henry* the Eighth, or according to the Law or Usage subsisting before the passing of this Act, any Gift, Grant, or Writing whatsoever to be passed under the Great Seal of the United Kingdom would have required a Queen's Bill, or Bills from the Offices of the Signet and the Privy Seal respectively, it shall be lawful for Her Majesty, after the Commencement of this Act, by Warrant under Her Royal Sign Manual, addressed to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, to command such Lord Chancellor, Lord Keeper or Lords Commissioners, (as the Case may be,) to cause Letters Patent to be passed under the Great Seal of the United Kingdom according to such Warrant; and every such Warrant shall be prepared by Her Majesty's Attorney and Solicitor General for the Time being, or One of them, and shall set forth the Tenor and Effect of the Letters Patent thereby authorized to be granted, and shall be countersigned by One of Her Majesty's Principal Secretaries of State, and shall be sealed with the Privy Seal, for which sealing such Royal Sign Manual, so countersigned as aforesaid, shall be sufficient Warrant to the Lord Keeper of the Privy Seal; and such Warrant under the Royal Sign Manual, so countersigned and sealed as aforesaid, shall be a sufficient Authority to the said Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal, for passing Letters Patent under such Great Seal, according to the Tenor of the same Warrant, any Law or Usage to the contrary in anywise notwithstanding; and no Queen's Bill, Signet Bill, Privy Seal Bill, or other Warrant or Authority whatsoever, save as herein provided, shall be necessary for or preparatory to the passing of such Letters Patent

Signet and Privy Seal Bills, &c. dispensed with.

Offices of Clerks of Signet and Privy Seal abolished.

III. From and after the Commencement of this Act the several Offices of Clerks of the Signet and Clerks of the Privy Seal shall be abolished.

Compensation to Persons holding abolished Offices, or sustaining Loss of Emolument.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury to grant to the Persons holding Offices hereby abolished, and to all Persons who may sustain any Loss of Fees or Emolument by reason of the passing of this Act, such Compensation as, having regard to the Tenure and Nature of their respective Offices, such Commissioners deem just and proper to be awarded.

Duties of Signet Office (not superseded by this Act) to be performed

V. All Powers and Duties whatever now exercised or performed by the Clerks of Her Majesty's Signet or otherwise in the Office of Her Majesty's Signet, not superseded or otherwise provided for by this Act, shall after the Commencement of this Act be exercised and performed,

performed, in the Office and under the Direction of Her Majesty's Principal Secretary of State for the Home Department, by such Persons as such Secretary of State shall from Time to Time appoint.

in Office of Secretary of State.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time after the passing of this Act, to determine and regulate the Establishment to be maintained after the Commencement of this Act for executing the Duties of the Privy Seal Office, and to fix the Salaries to be paid to the several Officers of such Establishment.

Power to Treasury to regulate the Privy Seal Office, and fix Salaries.

VII. It shall be lawful for the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, from Time to Time after the passing of this Act, to frame and establish such further Rules and Regulations to be observed in the passing of Letters Patents under the Great Seal of the United Kingdom as shall seem to them expedient.

Lord Chancellor and Secretary of State may make Rules concerning the passing of Letters Patent.

VIII. Provided also, That nothing in this Act contained shall extend to or affect any Letters Patent, Writ, Commission, or other Writing which may now be passed under the Great Seal by the Fiat or under the Authority or Directions of the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, or otherwise, without passing through the Offices of the Signet and the Privy Seal.

Act not to affect Letters Patent, &c. not passed through Signet and Privy Seal Offices;

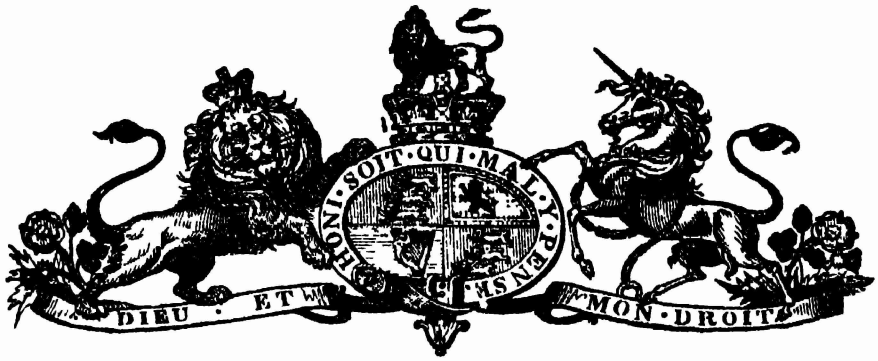
IX. Nor shall the Duties, Rights, Patronage, Privileges of Nomination, or other Privileges belonging to or exercised by the Lord Chancellor, Lord Keeper and Lords Commissioners of the Great Seal, in the Name or on the Behalf of Her Majesty, or otherwise, be by this Act in any way or respect prejudiced, affected, or varied, except so far as is herein specifically enacted.

nor Rights, &c. of Lord Chancellor.

X. This Act shall, save where herein otherwise provided, commence from and after the Thirty-first Day of *December* One thousand eight hundred and fifty-one.

Commencement of Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

shall attend the said Court of Appeal and the respective Judges thereof as Circumstances shall require, and the Lord Chancellor shall direct.

Precedence of Judges of Court of Appeal.

III. The said Judges shall be styled Lords Justices of the Court of Appeal in Chancery, and shall have Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer, and as between themselves shall have Rank and Precedence according to the Order and Time of their Appointment.

Judges of Court of Appeal to take the following Oath.

IV. Every Judge so appointed shall previous to his executing any of the Duties of his Office take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Lord Justice of the Court of Appeal in Chancery. So help me GOD.'

Court of Appeal to have the Jurisdiction now exercised by the Lord Chancellor.

V. From and after the First Day of *October* One thousand eight hundred and fifty-one all the Jurisdiction of the High Court of Chancery in *England* which is now possessed and exercised by the Lord Chancellor in the said Court of Chancery, and all Powers, Authorities, and Duties, as well ministerial as judicial, incident to such Jurisdiction, now exercised and performed by the Lord Chancellor, shall and may be had, exercised, and performed by the said Court of Appeal.

Statutory Jurisdiction now exercised by the Lord Chancellor as a Judge in Chancery may be exercised by the Court of Appeal.

VI. Where under any Act of Parliament any Jurisdiction is vested in the Lord Chancellor, or any Power, Authority, or Duty is to be exercised or performed by the Lord Chancellor, and under the Directions of any Act or by the Usage in this Behalf such Power, Authority, or Duty is or ought to be exercised or performed by the Lord Chancellor acting judicially in the said Court of Chancery, all such Jurisdiction, Power, Authority, and Duty, and the ministerial Powers and Authorities incident thereto or consequent thereupon, which are now exercised and performed by the Lord Chancellor, shall from and after the said First Day of *October* One thousand eight hundred and fifty-one be had, exercised, and performed by the said Court of Appeal.

Jurisdiction of Vice Chancellor in Bankruptcy transferred to the Court of Appeal.

VII. From and after the First Day of *October* One thousand eight hundred and fifty-one all the Powers, Authorities, and Jurisdiction, original and appellate, given and granted to the Vice Chancellors of the said Court of Chancery, or any of them, under the Bankrupt Law Consolidation Act made and passed in One thousand eight hundred and forty-nine, or otherwise had, possessed, or exercised by the said Vice Chancellors, or any of them, in Matters of Bankruptcy, shall be granted to, vested in, exercised, and possessed by the said Court of Appeal; and all the Provisions of the said Act in relation to

to such Appeals to such Vice Chancellor shall be construed accordingly: Provided always, that there shall not be any Appeal from the Decision of the said Court of Appeal to the Lord Chancellor, anything in the said Bankrupt Law Consolidation Act to the contrary notwithstanding.

Common Law Judges may sit on Request of Lord Chancellor.

VIII. It shall be lawful to the said Court of Appeal and the Master of the Rolls, and the Vice Chancellors, and for each of the said Jurisdictions, to sit, with the Assistance of any Judge of either of Her Majesty's Courts of Common Law at *Westminster*, upon the Request of the Lord Chancellor, if any such Common Law Judge shall find it convenient to attend upon such Request.

Decision of Majority to be binding; if Court equally divided the Decree, &c. appealed from to be affirmed.

IX. The Decision of the Majority of the Judges of the Court of Appeal shall be taken and deemed to be the Decision of the said Court; and if the Judges of the Court be equally divided in opinion on any Cause or Matter brought before the Court by way of Appeal, the Decree or Order appealed from shall be taken and deemed to be affirmed by the Court of Appeal.

Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords.

X. All Decisions, Decrees, or Orders of the Court of Appeal, including Decisions in Matters of Bankruptcy, shall be subject to Appeal to the House of Lords in the Cases and under the Conditions in and under which the like Decisions, Decrees, or Orders of the Lord Chancellor would have been subject to such Appeal if this Act had not been passed; but the Appeal to the House of Lords in Matters of Bankruptcy shall be only on Matters of Law or Equity, or on the Rejection or Admission of Evidence, and on a special Case to be approved and certified by One of the Judges of the Court of Appeal hereby constituted, whose Determination on the Settlement of such Case shall be final and conclusive.

One Judge appointed under this Act sitting with the Lord Chancellor, or both Judges sitting apart from him, to form the Court of Appeal.

Lord Chancellor sitting alone to have co-ordinate Jurisdiction with the Court of Appeal.

XI. All the Jurisdiction, Powers, and Authorities of the said Court of Appeal may be exercised either by One only of the Judges for the Time being appointed under this Act and the Lord Chancellor sitting together as such Court of Appeal, or by both of the Judges so appointed sitting as such Court apart from the Lord Chancellor, either in his Absence from the said Court of Chancery, or during the same Time as he is sitting in such Court: Provided always, that the Lord Chancellor shall and may also while sitting alone or apart from such Two Judges have and exercise the like Jurisdiction, Powers, and Authorities, as well as all such other Jurisdiction, Powers, and Authorities as might have been exercised by the Lord Chancellor if this Act had not been passed.

Lord Chancellor to regulate Sittings and Business of Court of Appeal.

XII. The Lord Chancellor shall fix the Times at which the Two Judges of the said Court of Appeal appointed under this Act, or either of them, shall sit with the Lord Chancellor, and at which such Two Judges shall sit apart from him as such Court of Appeal, and also what Appeals and Matters now usually heard and

and determined by the Lord Chancellor, and hereby made subject to the Jurisdiction of the said Court of Appeal, shall be heard and determined by such Court when the Lord Chancellor is sitting with the said Judges to be appointed under this Act or One of them, and by such Judges when sitting apart from such Lord Chancellor, and by such Lord Chancellor when sitting alone, respectively, and generally may make such Regulations as to him may seem proper for dividing and regulating the Business of the said Court of Appeal, and for the Attendance of a Registrar of the said Court of Chancery at the Sittings of the said Court of Appeal.

Saving of the ministerial and certain other Powers of the Lord Chancellor.

XIII. Nothing herein contained shall affect any of the Powers, Duties, or Authorities attached to the Office of Lord Chancellor, or exercised by the Lord Chancellor as Keeper of the Great Seal, except the Powers, Authorities, and Duties which are exercised and performed by him acting as a Judge in the said Court of Chancery, either by virtue of his ordinary Jurisdiction or of any Statute, and the ministerial Powers and Authorities incident thereto respectively, or affect the Powers, Authorities, and Duties of the Lord Chancellor, under and by virtue of any Appointment under the Sign Manual of the Crown, as having the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, or in relation to Letters Patent, Grants, or Writings passed or to be passed under the Great Seal of the United Kingdom, or the Revocation of such Letters Patent, Grants, or Writings, or the Powers and Authorities of the Lord Chancellor in right or on behalf of Her Majesty as Visitor of any Charity or other Foundation, or the Powers of the Lord Chancellor of Appointment to or Removal from or otherwise in relation to Offices in the Court of Chancery, or other Offices, save as herein specially provided, or the Powers of the Lord Chancellor to direct and regulate the Sittings and Duties of the Vice Chancellors, or any Powers of the Lord Chancellor (whether to be exercised by the Lord Chancellor alone, or with the Concurrence or Advice or Consent of the Master of the Rolls, or of the Master of the Rolls and the Vice Chancellors, or otherwise,) to make Rules or Orders for regulating the Practice, Proceedings, and Business of the Court of Chancery, or the Business or Duties of any of the Offices or Officers of such Court; and in all Cases where the Concurrence, Advice, or Consent of the Master of the Rolls and of One of the Vice Chancellors, or of either of them, shall be requisite for the making of such Rules or Orders, the Concurrence, Advice, or Consent of One of the Judges appointed by virtue of this Act may be substituted for that of the Master of the Rolls or of such Vice Chancellor.

One of the Judges of the Court of Appeal may sit for Master of the Rolls or

XIV. In case the Master of the Rolls or any Vice Chancellor of the High Court of Chancery shall be prevented by Illness or otherwise from sitting at any Time when according to ordinary Course his Court would be open, the Lord Chancellor may, by Writing under his Hand, from Time to Time, so often as Occasion may require, authorize

authorize One of the Judges of the said Court of Appeal to sit for the hearing and determining of Causes and Matters in lieu of the Master of the Rolls or such Vice Chancellor, and the Judge sitting under such Authority as aforesaid may, for the Purpose of disposing of any Cause or Matter which has been partly heard by him, continue such his Sittings, notwithstanding the Master of the Rolls or Vice Chancellor in whose Stead he has partly heard such Cause or Matter may also be sitting for the hearing of other Causes or Matters; and all Decrees and Orders made by such Judge in pursuance of such Authority shall be of the same Effect and Validity and subject to Revision and Appeal, in the same Manner in all respects as if made by the Master of the Rolls or Vice Chancellor, as the Case may be: Provided always, that such Judge shall not sit as a Judge of the said Court of Appeal upon any Appeal from any Decree or Order made by himself.

Vice Chancellor during his temporary Absence.

XV. Every Person holding or who has held the Office of a Judge of the Court of Appeal in Chancery shall, if a Member of Her Majesty's Privy Council, be a Member of the Judicial Committee of the Privy Council.

Judges of Court of Appeal, if Privy Councillors, to be of the Judicial Committee.

XVI. So much of the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Forty-one, as provides that no Matter shall be heard, nor shall any Order, Report, or Recommendation be made, by the Judicial Committee of the Privy Council, in pursuance of that Act, unless in the Presence of at least Four Members of the said Committee, shall be repealed; and no Matter shall be heard, nor shall any Order, Report, or Recommendation be made, by the said Judicial Committee, in pursuance of the said Act or any other Act, unless in the Presence of at least Three Members of the said Committee, exclusive of the Lord President of Her Majesty's Privy Council for the Time being.

No Matter to be heard, &c. by Judicial Committee unless Three Members are present, exclusive of Lord President.

XVII. From and after the Eleventh Day of *October* One thousand eight hundred and fifty-one, the Salary of the Lord Chancellor shall be the net yearly Sum of Ten thousand Pounds; and there shall be deducted from the yearly Sum payable to the Lord Chancellor under the Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter One hundred and twenty-two, the Amount of any Salary or Sum which for the Time being may be payable to the Lord Chancellor as Speaker of the House of Lords, so that such yearly Sum only shall be paid by the Governor and Company of the Bank of *England*, to the Lord Chancellor, under and according to the Provisions of the said Act, as with the Salary or Sum certified (as herein-after mentioned) to be payable to the Lord Chancellor as such Speaker shall be sufficient to make up the net yearly Sum of Ten thousand Pounds; and the Clerk Assistant of the Parliaments shall on or before the Eleventh Day of *October* One thousand eight hundred and fifty-one, and from Time to Time,

Provision as to Lord Chancellor's Salary.

2 & 3 W. 4. c. 122.

so often as the Salary or Sum payable to the Lord Chancellor as such Speaker is altered, certify in Writing, under the Hand of such Clerk Assistant, to the said Governor and Company, the Amount of the Salary or Sum for the Time being payable to the Lord Chancellor as such Speaker.

Salary of the Master of the Rolls reduced to 6,000*l.*

7 W. 4. & 1 Vict. c. 46.

XVIII. From and after the Eleventh Day of *October* One thousand eight hundred and fifty-one, in lieu of the Salary payable to the Master of the Rolls under the Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Forty-six, there shall be paid, for the Salary of the Master of the Rolls for the Time being, out of the Fund, on the Days, and according to the Provisions mentioned and contained in the said Act, the annual Sum of Six thousand Pounds, free and clear from all Taxes and Deductions.

Salary of 6,000*l.* to be paid to each of the Judges of the Court of Appeal appointed under this Act out of the Interest and Dividends arising from Suitors Fund.

XIX. Out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed in the Name of the Accountant General of the Court of Chancery to the Two Accounts, intituled "Account "of Monies placed out for the Benefit and better Security of the "Suitors of the High Court of Chancery," and "Account of Securities "purchased with surplus Interest arising from Securities carried to an "Account of Monies placed out for the Benefit and further Security "of the Suitors of the High Court of Chancery," or either of them, there shall be paid (but subject and without Prejudice to the Payment of all Salaries or Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout), by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made from Time to Time for that Purpose, without any Draft from the Accountant General, the net yearly Salary of Six thousand Pounds to each of the Judges of the said Court of Appeal for the Time being appointed under this Act, the net yearly Salary of Four hundred Pounds to his Secretary, the net yearly Salary of Two hundred and fifty Pounds to his Usher, the net yearly Salary of One hundred Pounds to his Trainbearer; and also a Sum of Forty Pounds *per Annum* to each of the Persons appointed or to be appointed under the Act of the Session holden in the Fiftieth Year of the Reign of King *George* the Third, Chapter One hundred and sixty-four, and under the Act of the Session holden in the Fifth Year of the Reign of Her Majesty, Chapter Five, to keep Order in the Courts therein mentioned, and in addition to the Salary of Forty Pounds thereby provided; all such Payments to be made respectively on the Days and according to the Provisions as to proportionate Parts thereof respectively and otherwise mentioned and contained in the said last-mentioned Act in relation to the Salaries of the Vice Chancellors and Officers appointed under such Act.

XX. It

XX. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to any Person appointed to and executing the Office of a Judge of the said Court of Appeal in pursuance of this Act, an Annuity not exceeding Three thousand seven hundred and fifty Pounds, to commence and take effect immediately after the Period when the Person to whom such Annuity is granted resigns his Office, and to continue from thenceforth during the natural Life of such Person; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom, after paying or reserving sufficient to pay all such Sums of Money as by any Acts of Parliament now in force have been directed to be paid thereout, but with Precedence to all other Payments which shall hereafter be charged thereupon; and such Annuity shall be paid on the Days and according to the Provisions mentioned and contained in the said Act of the Fifth Year of Her Majesty, in relation to the Annuities granted on Resignation of Office to the Vice Chancellors appointed under that Act: Provided always, that it shall be lawful for Her Majesty to limit the Duration of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person as he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Profits of such Office, shall together not exceed the said Sum of Three thousand seven hundred and fifty Pounds: Provided also, that no Annuity granted to any Person having executed the said Office of a Judge of the said Court of Appeal shall be valid unless such Person have held such Office for the Period of Fifteen Years, or have held such Office, and any of the Offices of Master of the Rolls, Vice Chancellor, or Judge of One of Her Majesty's Superior Courts of Common Law at *Westminster*, for Periods amounting together to Fifteen Years, or be affected with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Power to Her Majesty to grant an Annuity to each of such Judges on his Resignation.

XXI. It shall be lawful for the Lord Chancellor (in case it shall hereafter appear to be necessary) by Writing under his Hand to appoint One additional Registrar of the Court of Chancery, and from Time to Time to fill up any Vacancy in the said Office; and the Person to be appointed such additional Registrar shall be the senior of the Clerks to the Registrars of the said Court for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and such additional Registrar shall rank next after the junior of the Registrars for the Time being appointed under the Act of the Fifth Year of the Reign of Her present Majesty, Chapter Five, and shall personally do and perform all the Duties and have and enjoy all the Rights and Privileges belonging to the Office of Registrar, and shall be subject to the several Provisions and Penalties contained in the said Act relating to

Lord Chancellor empowered, if he think it necessary, to appoint an additional Registrar.

to the Registrars of the said Court, and be entitled, in case of permanent Infirmity or after Continuance in Office for Forty Years, to the like Annuity as if he had been appointed Registrar in and by the said Act: Provided always, that the Acceptance of the Office of additional Registrar by such senior Clerk for the Time being shall be without Prejudice to all his Rights of Succession to the Office of Registrar under the said Act.

Salary of such Registrar to be paid out of Suitors Fund.

XXII. Out of the Fund placed to the Credit of the Accountant General of the said Court, intituled "The Suitors Fee Fund Account," or the other Funds charged with and made liable for the Payment of the Salaries of the present Registrars, there shall be paid to such additional Registrar from the Date of his Appointment the Salary or net yearly Sum of One thousand two hundred and fifty Pounds, and also, so long as he shall be liable for the Expenses of writing and copying the Decrees and Orders, and the Minutes of the Decrees and Orders of the said Court, the yearly Sum of One hundred Pounds, on the Days and in the Manner provided by the said Act of the Fifth Year of the Reign of Her present Majesty, Chapter Five, with respect to the Payment of the Salaries of the present Registrars.

Additional Salary to the Eleventh Clerk to the Registrars.

XXIII. In the event of the Appointment of such additional Registrar there shall be paid to the Eleventh Clerk to the Registrars for the Time being, from the Date of such Appointment, out of the said Fund, intituled "The Suitors Fee Fund," or such other Funds as aforesaid, the same Salary or yearly Sum, and on the same Days and in the same Manner as by the said Act of the Fifth Year of the Reign of Her present Majesty, Chapter Five, is appointed and directed to be paid to the Seventh, Eighth, Ninth, and Tenth Clerks to the Registrars.

Interpretation of Term "Lord Chancellor."

XXIV. In the Construction of this Act, unless such Meaning be repugnant to or inconsistent with the Context, the Expression "Lord Chancellor" shall mean and include the Lord High Chancellor of *Great Britain*, and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for the Time being.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Association, and to confer additional Powers upon the said Association with respect to the Land in the said Settlement: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Power to Canterbury Association to impose Penalties for Breach of Byelaws.

I. That it shall be lawful for the said Association by their said Byelaws to impose such reasonable Penalties upon all Persons, being Members, Officers, or Servants of the said Association, offending against such Byelaws, as the said Association may think fit, not exceeding Five Pounds for any One Offence.

Byelaws to be exhibited.

II. That such Byelaws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the said Association, and a Copy thereof shall be hung up and continued on some conspicuous Part of the principal Office or Premises of the said Association, so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Copy shall from Time to Time be renewed as often as the Byelaws thereon, or any Part thereof, shall be obliterated or destroyed, and such Copy of the Byelaws shall be approved by One of Her Majesty's Principal Secretaries of State; and no Penalty imposed by any such Byelaw shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Byelaws to be so framed that Penalties may be mitigated.

III. That all the Byelaws made by the said Association shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered as herein-after provided to order a Part only of such Penalty to be paid, if such Justices shall think fit.

As to Recovery of Penalties.

IV. That any Penalty imposed by any such Byelaw may be recovered by summary Proceedings before Two Justices, in the Manner provided for the Recovery of Penalties or Forfeitures in and by "The Companies Clauses Consolidation Act, 1845," with the like Power of Appeal given by the said last-mentioned Act.

Evidence of Byelaws.

V. That the Production of a written or printed Copy of the Byelaws of the said Association, having the Common Seal of the said Association affixed thereto, shall be sufficient Evidence of such Byelaws in all Cases of Prosecution under the same, and in all Courts, and before all Judges, Justices, and others.

VI. That

Canterbury Association.

VI. That the Committee of Management of the said Association in the said Letters Patent mentioned shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the said Committee of Management or any Sub-Committee, and of the Orders and Proceedings of all Meetings of the said Association, and of the said Committee of Management, and of Sub-Committees, to be duly entered in a Book or Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the said Committee of Management; and every such Entry shall be signed by the Chairman of such Meeting, and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the said Association, or of the said Committee of Management, or of any Sub-Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Proceedings to be entered in Books, to be signed by the Chairman, and to be Evidence.

VII. That it shall be lawful for the said Association from Time to Time, by Writing under their Common Seal, to appoint Persons, being Members of the said Association, to be and act as Members of a Managing Committee of the said Association within the said Settlement, and such Managing Committee shall have, exercise, and enjoy within the said Settlement all such Functions, Rights, Powers, and Authorities as the said Association shall, by any Writing under their Common Seal from Time to Time, vest in and confer upon them, with Power to the said Association from Time to Time to revoke, alter, and vary the same: Provided always, that such Managing Committee shall not have, exercise, or enjoy any Functions, Rights, Powers, or Authority other than such as the said Association by virtue of the Powers vested in them may lawfully have, exercise, and enjoy within the said Settlement.

Power for Association to constitute a Managing Committee in the Settlement of Canterbury, and to delegate Authority to them.

VIII. That it shall be lawful for the said Association and they are hereby empowered, from Time to Time, by Deed under the Common Seal of the said Association, to reserve and appropriate for any of the Purposes to which the Funds of the said Association are by the said Letters Patent made applicable, any Part or Parts of the Land in the said Settlement, being at the Time unsold and unappropriated; and every such Deed shall declare the Purpose for which the Land therein mentioned is intended to be reserved and appropriated; and upon

Power to reserve and appropriate Land for public Purposes.

upon due Execution of every such Deed the Land therein mentioned shall vest in and be held by the said Association, in trust for the Purposes therein declared: Provided always, that for every Acre of Land so reserved and appropriated as aforesaid that Part of the Funds of the said Association which, under the said Letters Patent and the said recited Act is or shall be applicable to the Purpose for which such Land is declared to be reserved and appropriated shall be charged with and subject to the Payment of a Sum of Money equal to the current Price of every such Acre considered as sold to an ordinary Purchaser, and the said Money shall be distributed and appropriated in the same Manner as Money arising from ordinary Sales of Land by the said Association: Provided also, that it shall not be lawful for the said Association to reserve and appropriate Land as aforesaid unless the said Part of the said Funds in the Hands of the said Association for the Time being applicable as aforesaid is sufficient to pay a Sum equal to the Price of such Land considered as sold to an ordinary Purchaser, after deducting the Amount which would be appropriated to such Part of the said Funds on such Distribution as aforesaid.

Limitation of Power to reserve and appropriate Land.

Power to grant Timber Licences.

IX. That it shall be lawful for the said Association and they are hereby exclusively empowered to grant Licences for cutting, felling, and carrying away Timber growing upon the said unsold and unappropriated Part of the said Land; and the Money arising from the granting of such Licences shall be applied by the said Association in the same Manner as the Money arising from Licences for Pasturage granted under the Powers of the said recited Act.

Powers of the Association to prepare for Occupation unappropriated Land of the Settlement, and to determine Disputes respecting Enjoyment of Licences.

X. And whereas it is expedient that the said Association should be empowered to prepare for Occupation the unsold and unappropriated Part of the Land in the said Settlement, and to regulate and control the Use by Licence of the said Part of the said Land in the Manner herein-after mentioned: Be it enacted, That it shall be lawful for the said Association to survey, improve, and prepare for Cultivation and the Reception of Settlers, any Lands in the said Settlement which may for the Time being remain unsold and unappropriated, and for all or any such Purposes in or upon any such Land to enter, and make and construct Roads, Railroads, Canals, Drains, Bridges, Ferries, and other internal Communications, and Docks, Buildings, and Works necessary or expedient for the Occupation or Improvement of any such Lands, and from Time to Time to change, remove, or vary the same, and also to alter, divert, and

and deepen the Channels of Rivers and Streams, and to make Locks, Dams, and Weirs therein, and further, that it shall be lawful for the Association, along the Coast within the Limits of the said Settlement, and as well below as above Low-water Mark, to make, build, erect, construct, and lay down Piers, Moles, Breakwaters, Quays, Lighthouses, Beacons, Harbours, Buoys, and Moorings, and all such other Works and Buildings as they may from Time to Time deem expedient, with Power to change, remove, or vary the same or any Part thereof, and generally that the said Association shall have over the said unsold and unappropriated Lands of the said Settlement, and over the Waters and Watercourses thereof, all such Rights, Powers, and Authorities, for all and every the Purposes aforesaid, as Her Majesty, Her Heirs and Successors, can or may have, so long as the same shall respectively remain unappropriated and undisposed of by the said Association; and that it shall be lawful for the said Association to regulate and control the Use of the said Land enjoyed under Licences for Pasturage, or cutting, felling, and carrying away Timber, by them granted, under the Powers of the said recited Act or this Act respectively, and in case of Disputes between the Holders of such Licences, or between them and the said Association or other Persons, with respect to the Enjoyment of the Rights conferred by such Licences, to decide and determine such Disputes; and every such Decision and Determination of the said Association shall be final and conclusive, and binding upon the Parties affected thereby.

Further Grants of Land to be subject to prior Provisions respecting the Settlement.

XI. That if at any Time during the Continuance of the Powers of the said Association Her Majesty, Her Heirs or Successors, shall authorize the Governor for the Time being of the Colony of *New Zealand* to grant, under the public Seal of the said Colony, any other Waste Lands in the said Colony, or shall otherwise declare, such Declaration to be signified by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, that any other Lands therein situate shall be added to the Lands comprised in the said Settlement, all such Lands shall thereupon become Part and Parcel of the said Settlement, and the said Association shall thenceforth have over all such Lands the same disposing and all other Powers and Authorities as they shall have over the Lands then comprised in the said Settlement, and all such Lands shall be thereupon dealt with and disposed of by the said Association in the same Manner, and under the same Restrictions, and considered in all respects, as if the same had originally formed Part of the Settlement, and had been included in the Provisions of the said recited Act and of this Act.

Extent of Act.

XII. That this Act shall extend to and be in force in the said Colony of *New Zealand* and its Dependencies.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and Commons, in this present Parliament assembled, and by the Authority of the same,

Offices of Paymaster, Storekeeper, and Clerk, under the said Act discontinued. ss. 6. & 38.

I. That the said Offices of Paymaster, Storekeeper, and Clerk under the said recited Act shall be discontinued, and shall be deemed to have been from the said First Day of *April* last discontinued accordingly; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant such Superannuation Allowances or Gratuities as they may think proper to the Paymasters, Storekeepers and Clerks so discontinued, not exceeding the Amounts respectively which would or might be authorized under the Provisions of the Act of the Fourth Year of King *William* the Fourth, Chapter Twenty-four; such Superannuation Allowances and Gratuities to be charged on the Constabulary Superannuation Fund: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time hereafter to appoint a Paymaster and Storekeeper for the Depôt of the Reserved Force of the said Constabulary Force, with such Salary as the said Commissioners of the Treasury may think fit, and to be paid in like Manner as any Officers of the said Reserved Force.

The Commissioners of the Treasury to make Rules as to the Performance of the Duties heretofore required from the Paymasters and Storekeepers.

II. And whereas under the Provisions of the said recited Act the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, were empowered to make Rules and Regulations in respect of the particular fiscal Duties to be discharged by such Paymasters as aforesaid: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to make Rules and Regulations with respect to the several Duties (save as herein-after provided) by the said recited Act, and the Acts amending the same, required to be performed by such Paymasters, Storekeepers, and Clerks as aforesaid, and with respect to the Performance of the said Duties, and with respect to the Persons belonging to the said Constabulary Force, who shall henceforth perform the said Duties heretofore performed by such Paymasters, Storekeepers, and Clerks.

6 W. 4. c. 13. s. 51. 2 & 3 Vict c. 75. s. 19.

III. And whereas under the said recited Acts the Paymasters appointed thereunder were required to make up their Accounts half-yearly as therein provided, and to transmit the same to the Receiver of the said Constabulary Force, and Copies thereof were directed to be transmitted to the respective Grand Juries, and laid before the Magistrates at the Special Road Sessions next preceding the Assizes; and divers other Provisions were made respecting the said Accounts: And whereas by an Act of the Eleventh and Twelfth Years of Her present

11 & 12 Vict. c. 72.

present Majesty's Reign, Chapter Seventy-two, Provision is made as to the Form of Certificates to be transmitted to the Secretaries of Grand Juries by the Inspector General or a Deputy Inspector General of the said Force as to the Sums chargeable on the respective Counties, Counties of Cities, or Counties of Towns in respect of the said Constabulary Force: Be it enacted, That in place and stead of the Accounts so heretofore required to be transmitted to the respective Grand Juries, and laid before the Magistrates at such Special Road Sessions, the Receiver of the Constabulary Force shall from and after the passing of this Act transmit or cause to be transmitted an Account of all such Sums (and such Sums only) as are chargeable on each County, County of a City, or County of a Town, under the Provisions of the Acts relating to the said Constabulary Force, to the Secretary of the Grand Jury of such respective County, County of a City, or County of a Town to which the same shall relate, and the same shall be by him laid before the Magistrates at the Special Road Sessions next preceding the next Assizes, who shall inspect the same; and the Chairman of such Special Road Sessions shall transmit each such Account to the Inspector General of the said Constabulary Force, with such Remarks thereon as such Special Road Sessions shall think fit to be made; and each such Account so transmitted to the said Inspector General shall be dealt with by him in like Manner and subject to like Provision as the half-yearly Accounts heretofore laid before and transmitted from such Special Road Sessions to the said Inspector General under the Provisions of the said Acts; and such Certificate shall be prepared and transmitted by the said Inspector General or a Deputy Inspector General as by the said Act of the Eleventh and Twelfth Years of Her Majesty is provided.

The Receiver of Constabulary to submit to the Special Road Sessions Accounts of Sums chargeable on Counties.

IV. And whereas by an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland, it is among other things provided, that the Expenses incurred in respect of the Conveyance of Prisoners as therein mentioned shall be defrayed by the Paymasters of the said Constabulary Force out of any Funds in his or their Hands applicable to the Maintenance of the said Force, and the same shall be allowed him or them in his or their Accounts as if the same had been a Disbursement in respect of the said Force, subject to such Provisions as therein contained as to the same being chargeable on and presented by the Grand Juries of the respective Counties: Be it enacted, That the said Provision shall be and is hereby repealed; and in every Case where any Expenses shall have been actually incurred or shall be proper to be incurred by any County Inspector, Sub-Inspector, Head or other Constable, Gaoler, Bridewell Keeper, or other Person in conveying any Prisoner to or from

2 & 3 Vict. c. 75. s. 30. repealed.

Expenses incurred in conveying Prisoners;

from any County Gaol or Bridewell of House of Correction, or other Place, or for Examination before any Justice or Coroner in *Ireland*, or to or from any Assizes or Sessions or other Place in *Ireland*, or from any County Gaol or Bridewell or other Place to a District Lunatic Asylum in *Ireland*, or in the Pursuit of any Person charged with the Commission of any Offence in any Part of *Ireland*, to whatever Place in the United Kingdom of *England*, *Ireland*, and *Scotland*, or elsewhere, he may have escaped, or to which there shall be reasonable and probable Grounds for supposing he has escaped, or in the Conveyance of any Witnesses for Examination before a Justice or Coroner, or to any Assizes or Quarter Sessions, or in the Conveyance of any stolen Property to any Assizes or Sessions by Order of any Justice or other lawful Authority, or in attending at any Assizes or Sessions out of his proper County to prosecute any Offence committed within the County where he shall so attend for such Purpose, it shall be lawful for the Justice or other Authority before whom any such Prisoner or Witness shall be taken, or under whose Authority any such Officer, Constable, or other Person shall have acted, or for any Justice of the County or Place wherein the Offence shall be charged to have been committed, to deliver to such Officer, Constable, or other Person a Certificate in Writing that he is entitled to his Expenses to such Extent as such Justice shall think reasonable and necessary, and also to his Expense of returning again; and all such Expenses as aforesaid shall be defrayed by the Sub-Inspector of Constabulary of the County and District in which the Offence shall be charged to have been committed, or from which (in the Case of a Lunatic) such Lunatic shall have been so conveyed, out of any Funds in his Hands applicable to the Maintenance of the said Constabulary Force; and the several Sub-Inspectors of the Constabulary Force in each County shall transmit once in each Month to the County Inspector Accounts duly vouched of the Expenses so incurred as aforesaid chargeable on such County, County of a City, or County of a Town; and such County Inspector shall certify to the best of his Knowledge and Belief as to the Accuracy of such Accounts, both as regards the Number of Officers or Men of such Constabulary Force employed in such Service, and the Time they were so employed, and also as regards any extra Pay to which any such Officers or Men are entitled under the Regulations of the said Force, and also as regards any other Charge made in such Account; and such Accounts, when so certified, shall be transmitted by such County Inspector to the Board of Superintendence of the County Gaol of the County, County of a City, or County of a Town for which he shall act; and such Board of Superintendence are hereby empowered and required, without any unreasonable Delay, to examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy they are hereby

in pursuit of Offenders,

in carrying Witnesses;

in carrying stolen Property, and in attending Assizes, &c.;

to be certified by Justice;

and to be paid by Sub-Inspector of Constabulary.

Accounts of such Expenses to be laid before Boards of Superintendence of Gaols, and paid under their Order; Monies to be presented by Grand Juries.

hereby empowered and required either to pay the same out of any Funds under their Control, or to grant an Order or Orders, signed by any Two or more Members of such Board, directed to the County Treasurer or Finance Committee, as the Case may be, requiring him or them to pay to the respective Sub-Inspectors therein named the several Sums payable to them upon such Accounts; and each such Board of Superintendence shall and they are hereby required before each Assizes or Presenting Term to prepare an Estimate of all such Sums as they shall deem to be necessary to cover the said Expenses as aforesaid for such County, County of a City, or County of a Town for the ensuing Half Year, or for the ensuing Year in the Case of the County of *Dublin*, and shall cause the same to be laid before such respective Grand Jury at the Assizes or Presenting Term; and each such Grand Jury shall and they are hereby required to present the Sum specified in such Estimate to be raised from the County at large, County of a City, or County of a Town, as any other Sums presented at such Assizes or Presenting Term, which Sums, when so raised, shall be applicable to the Payment of the Orders made as aforesaid for the Payment of such Expenses; and if the Sums so raised as aforesaid shall prove insufficient, the said Treasurer or Finance Committee shall apply to such Payments any other available Funds in his or their Hands; and in the Case of any such Monies not being duly paid as aforesaid, and also in the Case of Monies advanced by the Receiver of the Constabulary Force, or other Person, by the Authority of the Chief or Under Secretary of the Lord Lieutenant, or the Inspector General of the said Constabulary Force, for the Pursuit or Apprehension of any Person charged with the Commission of any Offence as aforesaid, the Amount of the Monies so unpaid as aforesaid, and also the Amount of the Expenses incurred in such Pursuit or Apprehension, shall be included in the Certificate which the said Inspector General is required to make of the Expenses of the Constabulary Force chargeable on the respective Counties, Counties of Cities, or Counties of Towns, and the same shall be dealt with, presented, and paid as any other Sums included in such Certificate: Provided always, that a Statement of the Items of Account of Expenses so chargeable shall be transmitted to such Grand Jury, together with such Certificate: Provided also, that nothing in this Section contained shall commence or take effect until on and from the First Day of *April* in the Year One thousand eight hundred and fifty-two.

Sums advanced for the Pursuit of Offenders to be repaid by Presentment.

V. And whereas by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, certain Duties, Matters, and Things are directed and provided to be performed by such Paymasters as aforesaid: Be it enacted,

6 & 7 Vict. c. 56.

That

Duties directed by recited Act to be performed by Paymaster to be performed by such Officer as may be directed by Inspector General.

That all such Duties, Matters, and Things so directed and provided to be performed or done under the said Act by any such Paymaster as aforesaid shall be performed and done by such Officer or Officers of the Constabulary Force as the said Inspector General, with the Approval of the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall direct in that Behalf, and the said Provisions of the said Act shall apply to such Officer or Officers in like Manner as to such Paymaster as aforesaid.

Incapacitated Persons enabled to make Grants or Leases of Lands for the Use of the Constabulary.

VI. And whereas it is expedient to make further Provision for facilitating Grants or Demises of Lands or Houses for the Use of the Constabulary Force: Be it enacted, That it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees and Feoffees in trust for charitable or other Purposes, Committees, Executors or Administrators, and all Trustees and Persons whomsoever, not only for or on behalf of themselves, their Heirs or Successors, but also for or on behalf of the Person or Persons entitled in reversion, remainder, or expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Feme Coverts, or other Person or Persons, and to and for all Feme Coverts who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed, or interested in any Lands, Tenements, or Hereditaments, from Time to Time to grant or demise to the Receiver appointed or to be appointed under the said recited Act, or any Act amending the same, or to any Person or Persons to be nominated by him for the Purpose, but in trust for Her Majesty, Her Heirs and Successors, and for any Term of Years whatsoever, or other Term, any House or Houses not being the Mansion House of the respective Party, or belonging thereto, or any Portion of Ground not being the Garden, Yard, Lawn, or Park belonging to such Mansion House, and not exceeding One Acre, for the Purpose of the same being occupied, used, or built upon for the Use or Accommodation or for the Purposes of the said Constabulary Force, every such Grant or Demise to be made at such annual Rent as may be agreed on by or on behalf of the Inspector General of the said Force, and to be reserved to the Owner of the immediate Reversion in such House, Houses, or Land for the Time being expectant on such Term.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queens's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

and all Claim and Title to the Lands granted or awarded to them in the said Colony, all the Powers and Privileges of the said Company, except such as should be necessary for enabling the Directors to receive the several Sums of Money therein-after mentioned, and to distribute the same among the Shareholders and other Persons entitled thereunto, and for enabling the Directors to adjust and close the Affairs of the Company, should cease and determine, and all the Lands, Tenements, and Hereditaments of the said Company in the said Colony should thereupon revert to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless, amongst other things, to any Contracts which should then be subsisting in regard to any of the said Lands: And whereas such Notice as aforesaid was duly delivered by the Directors of the said Company on the Fourth Day of *July* One thousand eight hundred and fifty; and thereupon, under the Provisions of the last-recited Act, all the Lands, Tenements, and Hereditaments of the said Company in the said Colony reverted to and became vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless as by the said Act is provided: And whereas it is expedient that Provision should be made for enabling Her Majesty to amend and alter the Provisions contained in such Terms of Purchase and Pasturage as aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Notice by the New Zealand Company.

Power to Her Majesty to make Regulations for the Management of the Affairs of the Settlements of Wellington, New Plymouth, and Nelson, in New Zealand.

I. That it shall be lawful for Her Majesty, anything in the said Act contained notwithstanding, by Instructions under Her Signet and Sign Manual, or through One of Her Principal Secretaries of State, from Time to Time to make, or to authorize the Governor of *New Zealand* or the Lieutenant Governor of any Province in which any of the said Settlements is or shall be situate, to make, Terms and Regulations for the Sale or other Disposal of the Demesne Lands of the Crown within the said Settlements of *Wellington*, *New Plymouth*, and *Nelson*, provided always, that the Price at which the said Lands within the said Settlements are now authorized to be sold under such Terms shall not be altered thereby, and for the Disposal of the Monies which may be derived from such Sale or other Disposal of the said Lands for the Benefit of the Inhabitants of the said Settlements respectively, and for the closing and Determination of the Affairs of the said Settlements, and to empower such Governor or Lieutenant Governor to fix and ascertain the Boundaries of the said Settlements of *Wellington*, *New Plymouth*, and *Nelson* respectively.

II. And

II. And whereas the *New Zealand* Company have issued from Time to Time certain published Terms or Conditions for the Disposal of Land in the Settlement of *Nelson* in *New Zealand*, by which it was, among other things, provided that the Land of the said Settlement should be sold for certain Prices, and that the Fund to be derived from such Sale should be appropriated in certain Proportions to the Purposes of Emigration and the Supply of Labour, of founding and maintaining the Settlement, of religious and educational Uses, and of Steam Navigation, and other public Objects: And whereas many Persons have purchased Land under the said Terms or Conditions in the Settlement of *Nelson*, and Funds may have accumulated from the Monies invested in such Purchases, which have not as yet been applied to the Purposes aforesaid: And whereas the *New Zealand* Company did by its Agents and Officers superintend and manage these Funds until the Fourth Day of *July* in the Year One thousand eight hundred and fifty: And whereas, in consequence of such Notice as is herein-before mentioned to have been given by the Directors of the said Company on the Day last aforesaid, the Lands of the said Company in *New Zealand* reverted to the Crown as aforesaid, upon the Condition (amongst others), as expressed in the said recited Act of the Tenth and Eleventh of *Victoria*, of satisfying any Liabilities to which the said Company might then be liable under their existing Engagements with reference to the Settlement at *Nelson*: And whereas, before the Day last aforesaid, a certain Sum of Twenty-five thousand Pounds had been invested by the said Company in the Names of *Henry Aglionby Aglionby* Esquire of the *Middle Temple*, *Alexander Currie* Esquire of *Saint John's Wood*, *James Robert Gowen* Esquire of No. 187, *Piccadilly*, *George Lyall* junior, Esquire, of *Winchester House*, and *Jeremiah Pilcher* Esquire, of *Morgan's Lane*, to be held by them in trust for the said Company in the Three *per Cent* Consolidated Bank Annuities, in order to satisfy the Amount applicable by the said Company under the said Terms to the Purposes in question; but the total Amount so applicable had not been ascertained, and was then and still is in dispute between the said Company and the Purchasers of Land at *Nelson*: And whereas it is expedient that Provision should be made to enable Her Majesty to ascertain the Amount of the Sum so applicable, and to entrust the Administration of the Fund, when so ascertained, to certain Persons who have been nominated for that Purpose by or on behalf of the said Company and the said Purchasers of Land at *Nelson*: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby directed to ascertain the Sum (if any) which remained due and applicable by the *New Zealand* Company, and which the said Company were bound to apply to the

Fund held on behalf of the New Zealand Company for the public Purposes of the Settlement of Nelson to be vested in the Commissioners of the Treasury.

the Purposes above mentioned, on the Fourth Day of *July* in the Year One thousand eight hundred and fifty aforesaid; and that the said Sum of Twenty-five thousand Pounds, with the Interest which shall have accrued on the same, shall be vested in the Commissioners of the Treasury as a Fund for the public Purposes of the Settlement of *Nelson;* and that the said *Henry Aglionby Aglionby, Alexander Currie, James Robert Gowen, George Lyall,* and *Jeremiah Pilcher* shall and they are hereby authorized to transfer the said Sum and Interest into the Names of the Commissioners of the Treasury, or such Person or Persons as the said Commissioners shall nominate for that Purpose, and that the same shall be disposed of by the said Commissioners in the Manner herein-after provided; and that if the Amount which may be found by the Commissioners of the Treasury to be due and applicable to the said Purposes shall exceed the said Sum of Twenty-five thousand Pounds, with Interest as aforesaid, the Surplus necessary to complete such Amount shall remain a Liability attaching on Her Majesty with reference to the Settlement of *Nelson* in manner as in the said Act of the Tenth and Eleventh of *Victoria* is expressed; but that if the Amount so due and applicable shall be found to fall short of the said Sum of Twenty-five thousand Pounds, with Interest as aforesaid, then the Balance shall remain in the Hands of the Commissioners of the Treasury for the Purpose of discharging other Liabilities of the *New Zealand* Company which Her Majesty may have become bound to satisfy under the said last-mentioned Act.

Board of Trustees at Nelson appointed to administer the said Fund.

III. That a Board of Seven Trustees shall be and the same is hereby appointed for the Administration of the said Fund, including such Surplus (if any) as aforesaid, Three of whom shall form at any Time a Quorum for the Despatch of Business; and that it shall be lawful for the Commissioners of the Treasury, in such Manner as they shall appoint, to pay over or cause to be paid over the said Sum of Twenty-five thousand Pounds, with such Interest as aforesaid, or so much thereof as may be found due and applicable as aforesaid, and any additional Sums which may be found due and applicable as aforesaid, to the said Trustees; and that when such Sum or Sums shall have been so paid over as aforesaid all further Liability of Her Majesty or of the *New Zealand* Company in respect of such Fund and of the Amount applicable as aforesaid by the Company shall cease.

Power of the Trustees to dispose of the Funds for public Purposes.

IV. That the said Trustees shall have Power to dispose of the said Fund for the Benefit of the Settlement of *Nelson* to the Purposes of Emigration and the Supply of Labour, of religious and educational Uses, of Steam Navigation, and of the Construction and Maintenance

Maintenance of public Works, in such Proportions, as to each of the said Purposes, as to them shall seem expedient.

Mode of conducting Business by the said Trustees.

V. That the First Meeting of the said Trustees shall be fixed at a Time and Place to be appointed by Proclamation by the Governor of *New Zealand*, or by the Lieutenant Governor of the Province in which *Nelson* is or shall be situate, being authorized thereto by the said Governor, and that such Trustees may from Time to Time pass Resolutions for appointing the Time and Place of holding further Meetings for the Despatch of Business, and for making Rules and Regulations for the Conduct of such Business, and for other necessary Purposes towards enabling them to dispose of and distribute the said Fund according to the Purposes of this Act: Provided always, that the Legislature of *New Zealand* shall have Power to alter such Regulations, by Laws to be made from Time to Time, subject to the Conditions by Law required in respect of the Acts and Ordinances of such Legislature.

Names of the First Trustees.

VI. That Doctor *David Monro*, *Samuel Stephens*, *William Oldfield Cautley*, *Francis Dillon Bell*, *Francis Jollie*, *Alfred Fell*, and *John Waring Saxton*, Esquires, being the Persons already nominated for this Purpose by or on behalf of the Land Purchasers of *Nelson* and the *New Zealand* Company, shall be and the same are hereby appointed the First Trustees for the Administration of the said Fund.

Duration of their Office.

VII. That the said Trustees shall remain in Office (subject to the Provisions herein-after contained as to the filling up of Vacancies) until the First Day of *January* One thousand eight hundred and fifty-five.

Provisions for filling up Vacancies, establishing an Audit, and continuing the Trust.

VIII. That it shall be lawful for the Legislature of *New Zealand*, by Laws to be made from Time to Time, subject as to such Conditions as aforesaid, to provide for the filling up of Vacancies which may have occurred or may occur by the Death or Resignation of either of the Trustees named in this Act, by Election to be made by the Owners, or Owners and Occupiers, of Land in the Settlement of *Nelson*, with such Qualification or Restriction as may in such Laws be specified, and to provide in like Manner for the annual Election of Two or more Auditors to audit the Accounts of the said Trustees, and for the due Publication from Time to Time of such Accounts, and for the Discharge of the Trustees from any personal Liability in respect of the said Funds; and in case the said Fund shall not have been wholly disposed of before the First

Day of *January* in the Year One thousand eight hundred and fifty-five, to provide in like Manner for the Election of Seven new Trustees, to continue in Office for Three Years, subject to the like Power as herein-before contained as to the filling up of Vacancies, and so on from Time to Time until the said Fund shall be wholly expended for the Purposes above mentioned.

Authority to Legislature of the Province in which Nelson is situated to exercise any of the Powers hereby granted to it.

IX. That it shall be lawful for the Legislature of *New Zealand*, by Enactment, subject to such Conditions as aforesaid, to authorize the Legislature of the Province in which *Nelson* is or may be situate to exercise all or any of the Powers by this Act granted to the said Legislature of *New Zealand* in reference to the said Fund.

As to Cases falling within Section 53 of 9 & 10 Vict. c. ccclxxxii. Grants of the Crown to be of the like Force as Conveyances by the New Zealand Company.

X. That henceforth in all Cases falling within the Provisions of the Fifty-first Section of an Act of the Ninth and Tenth of *Victoria*, intituled *An Act to grant certain Powers to the* New Zealand *Company* a Grant or Conveyance by Her Majesty, Her Successors or Assigns, shall have the like Force and Effect in all respects as a Conveyance by the *New Zealand* Company has or would have had by virtue of the same Act in case no such Notice as aforesaid had been given and the said Company had continued in the full Exercise of their Functions; and the Powers by the same Act in reference to those Cases conferred on a Nominee or Nominees of the said Company, approved of as therein mentioned, shall henceforth be exercisable by such Person or Persons as the Governor or Lieutenant Governor for the Time being of *New Zealand* may from Time to Time appoint; and that all Acts done in pursuance of any such several Powers by the Party or Parties for the Time being entrusted with the Execution thereof shall be binding on Her Majesty, Her Successors and Assigns.

Saving of the Rights of the New Zealand Company under 10 & 11 Vict. c. 112.

XI. Provided always, That nothing herein contained shall be construed to affect or interfere with the Rights of the *New Zealand* Company in respect of the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and Interest, which by the said Act of the Tenth and Eleventh of *Victoria* are charged upon and to be paid to the said Company out of the Proceeds of all future Sales of the Demesne Lands of the Crown in *New Zealand*, after such Deductions as in the said Act specified, or any Rights which the said Company may now possess in regard to the Proceeds from the Disposal of Land in either of the said Settlements.

Interpretation of Terms.

XII. That the Words "Governor of *New Zealand*" and "Lieutenant Governor" in this Act shall be deemed respectively to

to mean the Persons for the Time administering the general Government of the Islands of *New Zealand* or the Government of any Province thereof.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

of their Peerages, shall be held to be formal and sufficient Evidence of the Death of such Peer for the Purpose of issuing such Proclamation as aforesaid.

Time of Publication of Proclamation for Election altered from 25 Days to 10 Days.

II. And whereas by an Act passed in the Sixth Year of Her late Majesty Queen *Anne*, Chapter Twenty-three, it is enacted, that every Proclamation issued for such Elections shall be published as therein provided Five-and-twenty Days at the least before the Time thereby appointed for the Meeting of the Peers to proceed to such Election: And whereas on account of the increased Facilities of Communication which now exist such Delay is no longer necessary, and it is expedient that the same should be shortened: Be it enacted, That from and after the passing of this Act, instead of Twenty-five Days, all such Proclamations shall be published Ten Days at least before the Time therein appointed for the Meeting of the Peers to proceed to such Elections, and that the Time to be appointed in any such Proclamation for such Meeting shall not be later than Twenty-five Days from the Date of such Proclamation.

Peers of Scotland may take the Oaths, &c. in Courts of Ireland, and before other Officers.

III. And be it enacted, That a Peer of *Scotland* may take the Oaths and subscribe the Declaration required by Law to entitle such Peer to vote by Proxy or signed List at such Elections in Her Majesty's High Court of Chancery in *Ireland*, or Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer in *Ireland*, in the same Manner and under the same Regulations as they may take and subscribe the same in the like Courts in *England*, or may take the said Oaths and subscribe the said Declaration before the Lieutenant of any County in *Great Britain* or *Ireland*, or any Member of Her Majesty's Most Honourable Privy Council in *Great Britain* or *Ireland*, or any Judge of a County Court in *England*, or any *British* Ambassador or Minister accredited to any Foreign Court, or the Secretary of any such Embassy or Legation, or the Governor, Lieutenant Governor, or Officer administering the Government of any of Her Majesty's Plantations, Colonies, or Possessions abroad, or any of Her Majesty's Judges residing therein; and every such Person before whom the said Oaths shall be taken and the said Declaration subscribed shall certify the same in a Certificate attached to the Declaration, which shall be produced, together with the Proxy or signed List of the Peer, at such Election: Provided always, that nothing herein contained shall be construed to prevent any Peer taking such Oaths and subscribing such Declaration in any Manner at present competent by Law.

Titles of Peerages in right of

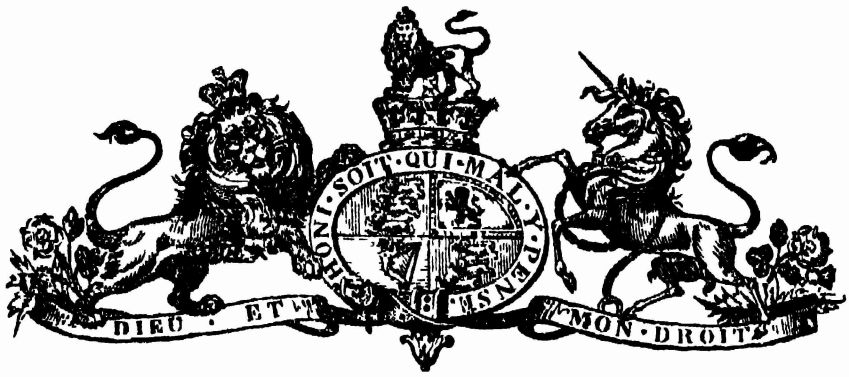
IV. And whereas by the before-mentioned Act passed in the Parliament held in the Tenth and Eleventh Years of Her present Majesty,

Representative Peers for Scotland.

Majesty, Chapter Fifty-two, it is enacted, that at all future Meetings of the Peers of *Scotland* for such Elections the Lord Clerk Register, or the Clerks of Session officiating thereat in his Name, shall not call the Titles of any Peerages standing on the Roll in right of which no Vote shall have been received and counted since the Year One thousand eight hundred, with other Provisions connected therewith, and it is expedient that the Principle on which the said Enactment is founded should be continued and extended: Be it enacted, That after every Meeting of the Peers of *Scotland* assembled under any Royal Proclamation for the Election of a Peer or Peers to represent the Peerage of *Scotland* in Parliament, the Lord Clerk Register, or the Clerks of Session officiating thereat in his Name, shall transmit to the Clerk of the Parliaments the Titles of any Peerages called at such Meeting in right of which no Vote shall have been received and counted for Fifty Years then last past or for any longer Period, and on receiving an Order from the House of Lords to abstain from calling such Title at future Meetings for such Elections it shall not be lawful for the said Lord Clerk Register or Clerks of Session to call such Title at any subsequent Meeting, or to administer the Oaths to any Person claiming to vote in right of such Peerage, or to receive and count the Vote of any such Person, or to permit any such Person to take part in the Proceedings of any such Election, until otherwise directed by Order of the House of Lords.

which no Vote has been given for Fifty Years not to be called at Elections, if the House of Lords shall so direct.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXXVIII.

An Act for amending the several Acts for the Regulation of Attornies and Solicitors.

[7th *August* 1851.]

WHEREAS by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the several Acts for the Regulation of Attornies and Solicitors*, and which was afterwards amended by an Act passed in the Third Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the last Session of Parliament, for amending the several Acts for the Regulation of Attornies and Solicitors*, Provision was made for facilitating the Admission of Graduates of the Universities of *Oxford*, *Cambridge*, and *Dublin*, and the Pupils of practising Barristers and of certificated Special Pleaders, as Attornies and Solicitors of the Courts of Law and Equity, in manner and upon the Conditions in the said Acts mentioned: And whereas by an Act of the Sixth and Seventh Years of Her present Majesty's Reign, Chapter Seventy-three, the said recited Acts have been repealed, except so far as the Attornies and Solicitors of *Ireland* are affected thereby, but the same are still in force as regards *Ireland* and the Attornies and Solicitors of *Ireland*: And

1 & 2 G. 4. c. 48.

3 G. 4. c. 16.

whereas

whereas since the passing of the said recited Acts the Queen's Colleges of *Belfast*, *Cork*, and *Galway* have been founded by Letters Patent of Her Majesty Queen *Victoria*, under the Great Seal of *Ireland*, under the Authority of an Act passed in a Session of Parliament held in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to enable Her Majesty to endow new Colleges for the Advancement of Learning in* Ireland: And whereas by the said Letters Patent a Faculty of Law has been established in each of the said Queen's Colleges: And whereas since the passing of the last-mentioned Act a Body Politic and Corporate has been constituted by the Royal Charter of Her Majesty Queen *Victoria*, under and by the Name of "The Queen's University in *Ireland:*" And whereas it is expedient that certain of the Provisions now in force of the said Two first-recited Acts should be extended to Students who have obtained or shall hereafter obtain the Degree of Bachelor of Arts or the Degree of Bachelor of Laws in the said Queen's University in *Ireland*, and to Students of the University of *Dublin*, or of the said Queen's Colleges who have attended and who shall attend the Lectures of the Professors of the Faculty of Law in the said University of *Dublin* or any of the said Queen's Colleges: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

8 & 9 Vict. c. 66.

Provisions of recited Acts relating to the Admission and Enrolment as Attornies of Bachelors of Arts or Laws at Dublin extended to Degree of Bachelor of Arts and of Laws in Queen's University in Ireland.

I. That from and after the passing of this Act all the Provisions, Regulations, Conditions, and Restrictions of the said Two first-recited Acts now in force (as regards that Part of the United Kingdom of *Great Britain* and *Ireland* and the Attornies or Solicitors of *Ireland*), for or relating to the Admission and Enrolment as Attornies and Solicitors of Persons who have taken or shall hereafter take the Degree of Bachelor of Arts or Bachelor of Laws in the University of *Dublin*, shall extend and be applicable to the Admission and Enrolment as Attornies and Solicitors of all Persons who have taken or shall hereafter take the Degree of Bachelor of Arts or the Degree of Bachelor of Laws in the said Queen's University in *Ireland*, as fully and effectually as if the said Body Politic and Corporate called "The Queen's University in *Ireland*" had been constituted and founded at the Time of the passing of the said Acts, and had been therein named together with the said University of *Dublin*, and as if the Degree of Bachelor of Arts and the Degree of Bachelor of Laws of the said Queen's University had been in the said Acts named together with the Degrees of Bachelor of Arts and Bachelor of Laws of the said University of *Dublin*.

II. That

II. That every Person who, as a matriculated or as a non-matriculated Student of the University of *Dublin* or of any of the said Queen's Colleges, shall have attended or shall attend any prescribed Lectures, and shall have passed or shall pass any prescribed Examinations of the Professors of the Faculty of Law in the said University of *Dublin* or in any of the said Queen's Colleges for a Period of Two Collegiate Years, and who shall have duly served as an Apprentice or Clerk, by Contract in Writing, duly stamped at or before the signing thereof, or within Six Months after, for the Term of Four Years, in like Manner as by the Provisions now in force of the said Two herein-before first-recited Acts is directed respecting the Service for the Term of Five Years, shall, at any Time after the Expiration of Five Years from the Commencement of such Attendance on Lectures, or of such Period of Service, which shall first happen, be qualified to be sworn and to be admitted as an Attorney or Solicitor respectively, according to the Nature of his Service, of the several and respective Superior Courts of Law or Equity in *Ireland*, as fully and effectually to all Intents and Purposes as any Person having been bound and having served Five Years is qualified to be sworn and to be admitted or enrolled an Attorney or Solicitor under or by virtue of any Act or Acts now in force for the Regulation of Attornies or Solicitors in *Ireland*, anything in the said Acts or any of them to the contrary in anywise notwithstanding.

Certain Provisions of former Acts as to Persons bound for Five Years, &c. extended to Students of Queen's Colleges attending Lectures and passing Examinations in Faculty of Law during Two Collegiate Years.

III. And whereas, under the Provisions of the said recited Act of the Sixth and Seventh Years of Her present Majesty, certain Privileges were granted to any Person seeking to be admitted and enrolled as an Attorney or Solicitor in *England* or *Wales*, and who shall have taken or who shall take the Degree of Bachelor of Arts within Six Years after his Matriculation, or the Degree of Bachelor of Laws within Eight Years after his Matriculation, in the University of *Oxford*, or of *Cambridge*, or of *Dublin*, or of *Durham*, or of *London*, and who shall in manner therein mentioned be bound by Contract in Writing to serve as a Clerk to a practising Attorney or Solicitor in *England* or *Wales*, and shall have continued in such Service, and have been employed as in the said Act respectively mentioned, and been examined and sworn as in the said Act directed: Be it enacted, That the like Privileges, subject to the like Regulations, Conditions, and Restrictions, shall be extended to Persons who shall have taken the Degree of Bachelor of Arts or Bachelor of Laws in the said Queen's University, as if the said Queen's University, and the Degree of Bachelor of Arts and the Degree of Bachelor of Laws of the said Queen's University, had been in the said Act named together with the said Universities of *Oxford*, *Cambridge*, *Dublin*, and *Durham*, and *London*, and with

Privileges given by recited Act to Bachelors of Arts or of Laws in Universities of Oxford, Cambridge, Dublin, &c., as to Attornies Admission in England, extended to Bachelors of Arts or Laws in the Queen's University.

with the Degrees of Bachelor of Arts and Bachelor of Laws in the said Universities of *Oxford*, *Cambridge*, *Dublin*, *Durham*, or *London*.

Certificate of Vice Chancellor of Dublin University, &c., or of Dean of Faculty, to be sufficient Evidence.

IV. Provided always, That the Court or other sufficient Authority in *Ireland* to whom any such Student shall apply to be admitted as an Attorney or Solicitor shall receive the Certificate of the Vice Chancellor of the University of *Dublin*, or such other Certificate as shall be appointed by the Board of Senior Fellows of the said University, or of the Dean of the Faculty of Law for the Time being of any of the said Queen's Colleges, as sufficient Evidence of the Student named in such Certificate having duly attended the prescribed Lectures, and passed the prescribed Examinations of the Professors of the Faculty of Law in such College for the said Period of Two Collegiate Years, and of the Time of the Commencement of the Attendance of such Student upon such Lectures.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

of Health under the Metropolitan Interments Act, 1850, is by the said Act made applicable; and all the Provisions of the said Act applicable to Money so borrowed shall extend and be applicable to the Money advanced to the said Board under this Act.

The General Board of Health to give a Mortgage for the Sums advanced.

II. Upon the Advance to the said General Board of Health of any Sum under the Provisions of this Act, the said General Board of Health shall make and execute a Mortgage under their Seal, according to the Provisions of the said Metropolitan Interments Act, of the Fees and Payments to be received under such Act, and of the Rates to be made and collected under such Act; and such Mortgage shall be made to such Person or Persons as the said Commissioners of the Treasury shall appoint, in trust for Her Majesty, for securing the Repayment of the Sum so advanced, with Interest at the Rate of Four Pounds *per Centum per Annum* in such Manner as the said Commissioners of Her Majesty's Treasury may think fit, and cause to be therein provided; and the Sums repaid under such Mortgages, and the Interest thereon, shall be paid into an Account which shall be opened in the Books of the Governor and Company of the Bank of *England*, under the Title of "Metropolitan Interments Repayments," and the Money paid into such Account shall be carried to and form Part of the said Consolidated Fund.

Bodies of Persons dying where Interment is discontinued not to be buried within the District, except as herein mentioned.

III. And whereas the Discontinuance under the said Act of Interment in a Parish may occasion the overcrowding of the Burial Grounds of other Parishes in the Metropolitan Burial District: The Body of any Parishioner or Inhabitant of any Parish in which Interment is ordered to be discontinued under the said Metropolitan Interments Act shall not, after the Time from which Interment is so ordered to be discontinued, be buried in any Burial Ground within the Metropolitan Burial District, except any Cemetery mentioned in Schedule (B.) to the said Act in which for the Time being Interment has not been ordered to be discontinued under the said Act, or any Burial Ground belonging to such Parish, and not situate therein, in which for the Time being Interment has not been so ordered to be discontinued; provided nevertheless, that nothing in this Enactment shall extend to prejudice or affect the Provisions contained in the Seventeenth and Eighteenth Sections of the said Act, or any other Provisions thereof, or shall apply to the Burials of Persons of the Jewish Persuasion, or of the People called Quakers; and every Person having the Care or Control of any such Burial Ground, who knowingly authorizes or permits any Burial contrary to this Enactment, shall be guilty of a Misdemeanor.

IV. The

IV. The said Metropolitan Interments Act and this Act shall be construed together as One Act. Acts to be construed together.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

4. The Chief Clerk or such other Clerk as shall be deputed by the Justices for that Purpose for each Divisional Police Office of *Dublin* Metropolis;
5. The Clerk of Petty Sessions for each Petty Sessions;
6. And the Person at any other Court whose Duty it shall be to attend and make Entries of the Proceedings:

And the Provisions herein-after contained shall severally apply to such respective Officers and Persons, or their legally authorized Deputies (if any), as fully as if the more particular Designation of each of such Officers, Persons, or Deputies was repeated in each Provision.

Entry of Fines.

II. Whenever an Order shall be made by any Court or other authorized Person for the Imposition or Levy of any such Penal Sum as aforesaid, the said Officer of the Court shall proceed as follows:

All Fines, &c. to be entered in a Book.

1. He shall forthwith enter the Particulars of the said Order in a Book (Form A.) to be by him kept for that Purpose, and shall afterwards from Time to Time make such further Entries in the said Book as may be necessary for the Purpose of accounting for the said Sums:

In case of Fines upon Jurors, Officer to send Notice.

2. In every Case where a Fine shall be imposed upon any Person for Non-attendance as a Juror, he shall, within Fourteen Days after the End of the Term, Assizes, Quarter Sessions, or Sittings of the Court at which such Fine shall have been imposed, send a Notice by Post to such Person, addressed to his usual Place of Residence, informing him of the Imposition of such Fine, and that if not paid within Thirty Days from the Date of such Notice a Warrant will be issued for the Levy of the same:

Judge's Register to certify Fines to Clerk of Rules for Entry.

And in order to enable the Clerk of the Rules of the Superior Courts the better to discharge the Duty required of him under this Act, the Judge's Register or other Person who shall act as Clerk at Nisi Prius at the Nisi Prius Sittings of any of the said Superior Courts, or in the Civil Court at Assizes, shall, within Seven Days after the Termination of the said Nisi Prius Sittings or of the said Assizes, as the Case may be, certify under his Hand to the Clerk of the Rules of the Superior Courts in which the Proceedings in the Case shall have been had, the Particulars of any Penal Sum which shall have been imposed or ordered to be levied by the said Court in such Case, and said Certificate shall be a sufficient Authority to the said Clerk of the Rules to do all Acts for the Entry and Levy of the same which he could or ought to do in case such Penal Sum had been imposed or ordered to be levied by such Superior Court.

III. In

Issue of Warrants.

Warrants for the Execution of Orders to be issued at certain Periods.

III. In all Cases where an Order shall have been made for the Imposition or Levy of any such Penal Sum as aforesaid, the Court, or the Justice, or the Officer competent so to act, as the Case may be, shall (unless where the same shall have been remitted by the Crown or other proper Authority) issue the proper Warrant for the Execution of such Order at the following Periods; *viz.*

1. In case of any Fine imposed upon any Person for Non-attendance as a Juror, within One Week from the Expiration of Thirty Days after Notice of same shall have been sent to such Person by Post as herein-before directed:
2. In case of any Order for the Imposition or Levy of any such Penal Sum by the Justices of the Divisional Offices of Police of *Dublin* Metropolis, within One Week from the making of such Order:
3. In case of any like Order by a Justice at or out of Petty Sessions, at such Time as shall be directed by "The Petty Sessions Act, *Ireland*, 1851:"
4. In all other Cases, within Fourteen Days from the making of the Order:

Form, &c. of Warrant, and Power to imprison in default of Distress, to be as in Petty Sessions Act.

And it shall be lawful for the Court or Officer by whom any such Warrant shall be issued to use the like Form of Warrant as is authorized by the said Petty Sessions Act for any Warrant of Distress issued by a Justice at Petty Sessions, and also to direct by such Warrant that in default of Distress for the Sum therein directed to be levied, the Person against whose Goods such Warrant shall be issued shall be committed to Gaol for the like Period for which any Person might be imprisoned in any like Case in default of Distress under the Provisions of the said Petty Sessions Act: Provided always, that after this Act shall come into operation no Warrant or Process shall be issued to any Sheriff to levy the Amount of any forfeited Recognizance, or of any other Fine or Penalty whatsoever, but only to the Constabulary or *Dublin* Metropolitan Police, as the Case may be; but in every Case where any Court shall impose any Fine upon any Person for Nonattendance as a Juror, or shall direct any Issues to be levied, the Process for levying the same shall be addressed to the Sheriff of the County, and such Sheriff shall account for the same, in like Manner as he shall be by Law bound to account for any other Sums coming into his Hands as Sheriff, before the proper Officer of the Court of Exchequer by whom Sheriffs Accounts shall be audited and declared, and shall from Time to Time, when directed so to do by the Chief or Under Secretary to the Lord Lieutenant, pay over the Amount of any such Jurors Fines so to be levied by him to the Credit of the same Fund, and to be applied to the same Purposes to which any Fines imposed at Petty Sessions, and awarded to the Crown, shall be by Law payable and applicable.

Sheriffs not to levy Fines; but Issues to be levied by Sheriffs.

IV. The

Addressing Warrants.

To whom Warrants shall be addressed:

IV. The Manner in which Warrants issued to the Constabulary or *Dublin* Metropolitan Police for the Levy of any Penal Sums under this Act shall be addressed shall be subject to the following Provisions:

From Courts in Dublin to the Commissioners of Police:

1. All such Warrants for the Levy of any such Penal Sums as aforesaid (not being Issues), ordered to be levied by any of the Superior or other Courts within the Police District of *Dublin* Metropolis (other than the Divisional Police Offices), shall be addressed to the Commissioners of Metropolitan Police:

From Divisional Offices to Office Sergeant:

2. All such Warrants issued from the said Divisional Police Offices shall be addressed to the Office Sergeant, or such other Member of the said Police Force as the said Commissioners shall appoint for that Purpose:

From other Courts to Sub-Inspector of Constabulary.

3. All such Warrants issued from any Court in *Ireland* not being within the Police District of *Dublin* Metropolis, shall be addressed to the Sub-Inspector of Constabulary who shall act for the Place in which such Court shall be situated:

4. All such Warrants issued by any Justice or Justices out of Quarter Sessions shall be addressed as required by the said Petty Sessions Act:

Warrants to be executed, certified, and backed as under Petty Sessions Act.

And the several Provisions of the said Petty Sessions Act as to the certifying, indorsing, executing, or returning any Warrant issued by a Justice at Petty Sessions, and as to the selling of any Distress or otherwise acting thereunder, shall also apply to any like Warrant issued by any Court Officer, or Divisional Justice under the Provisions of this Act, and to the selling of any Distress or otherwise acting thereunder; and in the Application of the said Provisions of the said Petty Sessions Act to any such Warrants issued within the said Police District of *Dublin* Metropolis, whatever may be done by any Head or other Constable in executing any Warrant addressed to any Sub-Inspector shall and may be done in any like Case by any Member of the said Police Force (to be named by the said Commissioners or Divisional Justices) in executing any such Warrant, addressed either to the said Commissioners or to any other Member of the said Police Force; and whatever may be done by any Sub-Inspector in certifying any Warrant to the Inspector General of Constabulary may be done by the Office Serjeant or other Member of the said Police Force to whom such Warrant shall be addressed, in certifying the same to the said Commissioners; and whatever may be done by the said Inspector General, or by either of the Deputy Inspectors General of Constabulary, in indorsing any Warrant certified by any Sub-Inspector, may be done by the said Inspector or Deputy Inspector General in indorsing any Warrant, which shall be so certified to the said Commissioners, or which shall be addressed to the said Commissioners in the first instance; provided that such Warrant shall have

have been first indorsed by One of the said Commissioners, and then transmitted by them to the said Inspector General.

Collection of Fines.

V. The Manner in which all such Penal Sums as aforesaid shall be collected shall be as follows:

If levied under Warrants, to be paid over to Officer of Court.

1. In every Case where any such Sums shall be levied under a Warrant, the Sub-Inspector or the said Commissioners or Office Sergeant, as the Case may be, to whom the said Warrant shall be addressed, transmitted, or indorsed for Execution, as herein-before provided, shall either pay over the Amount direct to the said Officer of the Court from which the said Warrant was issued, or shall transmit the same to the said Officer through the Person to whom the said Warrant was addressed in the first instance, according as he shall be directed by the Chief or Under Secretary to the Lord Lieutenant:

If paid to Gaoler, to be paid over within certain Period to Officer of Court.

2. In every Case where such Sums shall be paid to the Keeper of any Gaol or Bridewell he shall indorse on the Warrant of Committal the Amount and Date of Payment, and shall within Fourteen Days, or within such other Period as the Chief or Under Secretary shall direct, pay over the Amount to the said Officer of the Court from which the Warrant was issued; and the Board of Superintendence shall at least once in every Month in the Case of each Gaol, and the Justices of the Petty Sessions District shall at least once in every Three Months in the Case of each Bridewell, and any other Person or Persons duly authorized by the said Chief or Under Secretary in that Behalf shall at any other Times, examine the Prison Books, and shall require to see the Receipt of the Officer of the Court from which the Warrant was issued, in each Case in which it shall appear that the Person committed was discharged before the Expiration of the Period for which he was committed, and shall also compare the Sum mentioned in such Receipt with the Amount in the Warrant of Committal, and shall certify in the said Books that such Receipt has been produced to him or them, and that such Sums correspond, or otherwise, as the Case may be:

Board of Superintendence or Justices to compare Receipts and Warrants with the Gaol Books.

Officer to receive all Fines.

3. In every Case where any such Penal Sums shall be paid in Court or to the said Officer of the Court (before the Issue of a Warrant), or shall be so paid over or transmitted to the said Officer of the Court (after the Issue of a Warrant), he shall receive the same, and shall at the Time deliver or transmit a Receipt for the same in the Form (B. a. or b.) to the Person by whom the same shall be so paid or transmitted:

Officer to pay Parties.

4. The said Officer shall out of the Sums so received pay to the several Parties such Portion of the same as shall have been awarded to them by the Court, and which shall be claimed by them

them either in Court or at the public Office of the said Officer, taking from each of such Parties a Receipt for the same in the Form (B. c.):

Penalty on any Persons but the proper Officers or their legal Deputies for receiving Fines, &c.

And it shall not be lawful for any Person, other than the said Officers herein-before mentioned respectively, or their lawfully authorized Deputies, if any, save the Person to whom any Warrant shall be delivered for Execution, or the Keeper of any Gaol or Bridewell to which the Defendant shall be committed, as the Case may be, to receive any such Penal Sum as aforesaid, or any Part of the same; and if any other Officer or Person than the several Officers or Persons herein-before mentioned respectively shall take or receive any such Sum, or any Part of same, from the Person by whom the same shall be ordered to be paid, he shall, on Conviction thereof before any Two Justices of the County sitting in Petty Sessions, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Accounts of Fines.

VI. The Manner in which all such Penal Sums as aforesaid shall be accounted for shall be as follows:

Chief or Under Secretary may make general Regulations as to Accounts.

1. It shall be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, for the better Collection of all said Sums, and the regular accounting for the same by all Persons into whose Hands the same shall come; and such Persons shall keep and render Account of said Sums in such Forms, and shall pay over said Sums, and transmit for Examination said Warrant or Receipt, at such Times and in such Manner as shall be directed by such general Regulations, or as shall be at any Time specially required by the said Chief or Under Secretary; and it shall also be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for the Examination, checking, or countersigning of any of such Accounts by any of the Sub-Inspectors, Inspectors, or other Members of the Constabulary or Police Forces, as the Case may be:

Declaration that Accounts are correct.

2. And to every such Account shall be annexed a Declaration in Writing under the Hand of the said Officer, to be made before a Justice, affirming the Truth and Accuracy of such Account; and every such Officer who shall make any such Declaration, knowing the said Account to be false in any Particular, and being thereof convicted, shall, in addition to any Penalty to which he may be liable under the Provisions of this Act herein-after contained, be also liable to the Penalties of wilful and corrupt Perjury:

Mode of enforcing Payment of

And if Default shall at any Time be made by any such Officer or Person in paying over any Balance on such Accounts, or any of such Penal Sums received by him, at such Times as the said Chief or

or Under Secretary shall direct, it shall be lawful for the said Chief or Under Secretary to certify such Default to any Two Justices of the County, who shall thereupon issue the proper Warrant for the Levy of such Balance or Sums as shall have been so certified to be due by such Officer or Person, by Distress and Sale of his Goods and Chattels.

Balances or Sums.

VII. In every Case in which a Fine shall not be imposed by any Court of Justice, but by some public Officer or Person legally authorized in that Behalf, such Officer or Person shall make such Entries and render such Accounts of same, and shall pay over such Fine or Balance of Fines, according to Law, in such Manner and at such Times as the said Chief or Under Secretary shall from Time to Time direct and require.

Mode of accounting by Officers not being Officers of Courts of Justice.

Penal Clause.

VIII. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices of the County sitting in Petty Sessions, or at One of the said Divisional Police Offices, shall be liable to forfeit for every such Offence or Neglect any Sum not exceeding Twenty Pounds; (that is to say,)

Penalties for Non-observance of Provisions of Act.

1. Any such Officer or Person who shall at any Time make default in making true and correct Entries of all such Penal Sums as aforesaid, or in rendering due Accounts of all such Sums passing through his Hands, or in paying over the same, at such Times and in such Manner as shall be required under the Provisions of this Act:

Officers of Courts.

2. Any Member of the Constabulary or Metropolitan Police Forces by whom any Warrant shall be executed, who shall neglect to pay over the Amount received or levied thereunder, or to account for such Levies, at such Times and in such Forms and with such Vouchers as shall be required under the Provisions of this Act:

Constabulary or Metropolitan Police.

3. Any Keeper of any Gaol or Bridewell who shall neglect or refuse to pay over any Sum so as aforesaid received by him to the Officer of the Court from which the Warrant shall have been issued, or to transmit any such Receipts or Warrants, or to account for the same, at such Time and in such Manner as shall be required under the Provisions of this Act:

Keepers of Gaols.

4. Any such Officer or Person as aforesaid, or any other Person, having any Duty to perform under the Provisions of this Act, who shall wilfully neglect or refuse to perform the same:

Other Persons.

And the said Justices sitting as aforesaid are hereby authorized to impose the said Penalties; and a Certificate by the said Chief or Under Secretary of such Neglect or Refusal shall be *primâ facie* Evidence of the same in any such Proceeding before such Justices.

IX. It

Appeals.

Appeal against Imposition of Fine, &c. may be made to Court of Assize or Quarter Sessions, &c.;

IX. It shall be lawful for any Person against whom any Order shall be made for Payment of any such Penal Sum as aforesaid by any such Court or Officer as aforesaid, exceeding the Sum of Forty Shillings, and in Cases of Fines upon Jurors whatever the Amount may be, to appeal for the Reduction or Remission thereof by Petition to the Court of Assizes which shall be held next after such Order shall be made if the same shall be made at Assizes, or to One of the Superior Courts of Law in *Dublin* at the next Term if the same shall be made by a Superior Court, or to the Court of Quarter Sessions of the County which shall be held next after such Order shall be made if the same shall have been made at Quarter Sessions, or to the Recorder of *Dublin* at his next Sessions if the same shall have been made at any of the Divisional Police Offices of *Dublin* Metropolis, or to the next Quarter Sessions to be held in the same Division of the County where the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder of any Corporate or Borough Town where the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case it may be made to the next succeeding Sessions to be held for such Division or Town); and such Appeal, when made against any Order by the said Divisional Justices or by any other Justice upon Summary Conviction, shall be subject in all respects to the Provisions of the said Petty Sessions Act, but in every other Case it shall be made by Petition to the Court which shall have Power to entertain the Appeal, and shall be subject to the Provisions following:

but subject to following Provisions.

Appellant to enter into Recognizance to appeal.

To lodge Certificate of Justice.

1. The Person so entitled to appeal shall not exercise such Right unless he shall enter into a Recognizance (Form C.), with Two Sureties, in double the Amount of the Sum ordered to be paid, before any Justice, conditioned for the due Prosecution of such Appeal, and unless he shall also lodge with the Officer of the Court a Certificate (Form D.) under the Hand of the Justice by whom such Recognizance shall have been taken, and which Certificate any such Justice is hereby required to give, that such Person has duly entered into such Recognizance:

In such Case no Warrant to be issued;

or, if issued, not to be executed until Decision of Appeal.

2. In every Case where such Certificate shall be so lodged with the said Officer he shall suspend the Issue of any Warrant to execute the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to prosecute the same, as the Case may be, or if such Warrant shall have been issued he shall direct the Person to whom it was addressed to suspend its Execution for the like Period; and in every Case where such Warrant shall have been issued the Person to whom

Appeals.

whom it was addressed shall, either upon being so directed by the said Officer, or upon the said Certificate being produced to him, suspend its Execution for the like Period; and in every Case where the Person against whom any such Warrant shall be issued shall be in Custody, or shall have been committed to Gaol under the same, the Court by which the Order shall have been made, or the Officer by whom the Warrant shall have been signed, shall, upon Application being made to him in that Behalf, forthwith order his Discharge:

Party, if in Custody or Gaol, to be discharged.

3. In every Case where an Appeal shall be so made the Judges of the said Superior Courts, Judge of Assize, or Assistant Barrister, or Recorder, as the Case may be, shall and are hereby severally authorized to hear the Matter of the said Petition, and to make such Order thereon for confirming the original Order, or for reducing or wholly remitting the Fine or other Penal Sum, as may seem fit under all the Circumstances of the Case; and the proper Officer of such Court of Appeal shall thereupon certify the said Order under his Hand to the Officer of the Court by which the original Order shall have been made, who shall forthwith issue a Warrant for the Execution of same, if no Warrant shall have been already issued, or shall indorse the same on the Warrant if a Warrant shall have been already issued, and direct the Person to whom it shall have been addressed to proceed in its Execution, or otherwise according to such Indorsement; and in every Case where such Appeal shall be dismissed, or shall not be duly prosecuted, the said proper Officer of the Court of Appeal shall so certify under his Hand to the Officer of the Court by which the original Order shall have been made, who shall thereupon proceed as if no such Appeal had been made:

Court of Appeal may entertain Appeal.

Order of Court of Appeal to be certified by its Officer.

Execution of Order of Court of Appeal.

Execution when Appeal dismissed or not prosecuted.

4. In every Case where any Fine shall be imposed on any Person for Non-attendance as a Juror, and the Order imposing such Fine shall not be reversed upon any such Appeal, it shall be lawful for such Person in like Manner to make a further Appeal to One of the Superior Courts of Law in *Dublin*, during the Term next after such first-mentioned Appeal shall have been decided, and it shall be lawful for such Court to hear and determine such Appeal; and the several Provisions hereinbefore contained as to the Suspension and subsequent Execution of any Warrant for the Levy of such Fine shall also apply to such last-mentioned Appeal in like Manner as to such first-mentioned Appeal:

In Cases of Jurors Fines, Party may have further Appeal to Superior Courts.

Provided always, that nothing herein contained shall be deemed in any way to limit or restrain the Lord Lieutenant, or the Lords Commissioners of Her Majesty's Treasury, or the Commissioners of Inland

Not to interfere with the Prerogative of Crown, &c.

Inland Revenue, from reducing or remitting any Fine or Sum imposed or ordered to be levied which by Law he or they may be in any way authorized to reduce or remit.

Estreat of Recognizances. On Proof of Nonperformance of Condition Court may order Levy of Recognizance so forfeited.

X. In every Case where any Person, who shall enter into a Recognizance to keep the Peace, or to appear to answer to any Complaint as to an Indictable Offence, or to prosecute or give Evidence in any Case of an Indictable Offence, or to perform the Duties of Petty Sessions Clerk, shall in any Manner fail to perform the Condition of such Recognizance, it shall be lawful for the several Assistant Barristers, Recorders of Cities or Boroughs, and for the Chairman of Quarter Sessions of the County of *Dublin*, as the Case may be, upon Conviction of such Person of any Offence that shall be a Breach of the Condition of the said Recognizance, or upon the Production of a Certificate thereof, signed and attested by the proper Officer in that Behalf, that the Person so bound by Recognizance had failed to perform the Condition of the same, to order that such Recognizance shall be forfeited to such Amount as such Assistant Barrister, Recorder, or Chairman shall think fit, and to direct a Warrant to issue to levy such Amount in like Manner as other Penal Sums are directed to be levied by this Act: Provided always, that Proof shall be first made on Oath before such Assistant Barrister, or Recorder, or Chairman, that Notice in Writing has been given to or left at the usual Place of Abode of the Party or each of the Parties, if there be more than One, against whom it shall be sought to put such Recognizance in force, Seven Days at the least before the Commencement of the Sessions at which such Application shall be made, and such Notice shall state in Substance the Cause or Matter on which it is intended to sustain the Application.

Proof of Notice to be first given.

Forms of Procedure.

Forms in the Schedule deemed valid. Form of Book may be extended.

XI. The Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law: Provided always, that it shall be lawful for the Chief or Under Secretary to the Lord Lieutenant from Time to Time to alter the said Form of Book (A.) so far as to introduce into it such further Particulars as may be necessary in order to adapt it to any State of Facts either new or not provided for therein.

Receipts not to be subject to Stamps.

XII. No Receipt, Voucher, Document, or Instrument required to be given, made, or provided in pursuance of the Provisions of this Act shall be subject to or chargeable with any Stamp Duty payable to the Crown.

Appropriation of Fines and Penalties;

XIII. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum

shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Court to award any Sum not exceeding One Third of such Penalty to the Prosecutor or Informer, and the Remainder of such Penalty and all other Penalties shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to alter the Appropriation or Application of any Fine or Penalty imposed at any of the Divisional Police Offices of *Dublin* Metropolis or by the Justices in any Corporate Town, and payable to any Borough Fund, but the same shall continue to be appropriated and applied as is now by Law authorized, and shall be paid over to the same Purposes from Time to Time in such Manner and at such Times as the Chief or Under Secretary to the Lord Lieutenant shall direct.

Application of Fines.

but not to apply to Fines at Divisional Police Offices.

XIV. All Fines or Penalties payable to the Crown, not being Fines or Penalties imposed at any of the said Divisional Police Offices or by the Justices in any Corporate Town as aforesaid, and the Amount levied under any forfeited Recognizance, shall be from Time to Time lodged in the Bank of *Ireland* by the said several Officers into whose Hands the same shall come, in such Manner as shall be from Time to Time directed by the Chief or Under Secretary to the Lord Lieutenant, to the Credit of the same Fund and for the same Purposes to which all Fines and Penalties payable to the Crown are now by Law directed to be lodged.

Crown Fines, &c. to be lodged in Bank.

XV. It shall be lawful for the Lord Lieutenant to charge the said Fund with the Payment of such Expenses as may be necessarily incurred in the Examination of the Accounts to be rendered under the Provisions of this Act, and in the Supply of Books for the Entry of Orders at Petty Sessions, and in otherwise carrying the Provisions of this Act and of the said Petty Sessions Act into effect.

Lord Lieutenant to charge Expense of Audit on the Fund.

Miscellaneous Provisions.

XVI. The several Chief Clerks of the said several Divisional Police Offices, or such other Clerks as may be deputed as aforesaid at the said Divisional Police Offices, shall give such Security for the proper accounting for all Fines or other Monies which may pass through their Hands, under the Provisions of this Act, as the said Chief or Under Secretary shall direct, in like Form and Manner as is required to be given by each Clerk of Petty Sessions under the Provisions of the said Petty Sessions Act.

Clerks of Divisional Offices to give Security.

XVII. An Abstract Account of all Fines and other Penal Sums accounted for under the Provisions of this Act shall be annually laid before both Houses of Parliament as soon as the Accounts for each Year shall have been examined and declared.

Annual Account to be laid before Parliament.

XVIII. In

Miscellaneous Provisions

Interpretation of Terms.

XVIII. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City," "County of a Town," or "Riding of a County;" the Words "Lord Lieutenant" shall include any other "Chief Governor or Governors of *Ireland*;" the Word "Justice" shall mean Justice of the Peace, and include a Justice of the Divisional Police Office of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" or other legal Place of Imprisonment of the County; the Words "Keeper of the Gaol" shall include the Governor, Gaoler, or other Keeper of any such Gaol or Bridewell; the Word "Goods" shall include "Chattels;" and the Word "Oath" shall include "Affirmation;" and the Reference to Forms by Letters shall be deemed to be to the Forms in the Schedule to this Act.

Fines and Penalties Act, 6 & 7 Vict. c. 56. repealed.

XIX. From and after the Commencement of this Act a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, shall be and the same is hereby repealed, together with all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, except as to any Matter which shall have occurred before the passing of this Act, or any Accounts or Proceedings now pending to which the same or any of them are applicable.

Short Title.

XX. In citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Fines Act (*Ireland*), 1851."

Commencement of Act.

XXI. This Act shall commence and take effect upon the First Day of *November* One thousand eight hundred and fifty-one.

Act to extend to Ireland only.

XXII. This Act shall extend to *Ireland* only, except so far as relates to the backing and Execution of Warrants.

Schedule to be Part of Act.

XXIII. The Schedule to this Act annexed shall be deemed and understood to be Part of this Act.

SCHE-

SCHEDULE.

FORM (A.)—OFFICERS FINES ACCOUNT BOOK.

County of _____ Court of _____

Month of	Parties.	Nature of Case.	Sums awarded.				Collection of Fines, &c.															Act under which Fine imposed.	Remarks.
							If Warrant issued.				Account by Officer of Sums paid in Court, or paid over to him by Constabulary, Gaolers, &c.												
											Receipts.					Payments.							
No. in Order Book (for the Month).	—— *Pltff.* v. —— *Deft.*		To whom. Crown - Complainant Costs -	Amount to each. £	s.	d.	To whom addressed. If committed, to what Gaol. Date when issued.	For what Amount. £	s.	d.	From whom.	Date.	Amount. £	s.	d.	To whom.	Date.	Amount. £	s.	d.		

FORM (B.)—RECEIPTS.

(B a.) Receipt for Sums paid to Officer of Court by Parties.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

I have received from *C. D.* the Sum of under an Order of the above Court, made on the Day of

Sum, £ : :
Costs, £ : :

Signed _____
Officer of said Court of

This Day of 185 .

(B b.) Receipt for Sums paid to Officer of Court by Gaolers.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

I have received from Keeper of [Gaol] at the Sum of stated to be the Sum in a Warrant under which *C.D.* was committed on the Day of under the Order of the above Court to the said Gaol.

Sum, £ : :
Costs, £ : :

Signed _____
Officer of said Court.

This Day of 185 .

(B c.) Receipt for Sums paid to Parties by Officer of Court.

_____ *Plaintiff.* } Court of _____
_____ *Defendant.* } County of _____

I have received from the Officer of the above Court, the Sum of awarded to me on the Day of

Sum, £ : :
Costs, £ : :

Signed _____
Witness _____
of Constabulary.

This Day of 185 .

FORM (C.)—RECOGNIZANCE.

Plaintiff. } Court of
Defendant. } County of

Whereas an Order was made on the Day of by the above Court, That (1)

(1) Order of Court against which Party appeals.

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation; viz.

To attend the (2)

(2) *the Court of Assizes, or Quarter Sessions, or other Court of Appeal.*

to be held at on the Day of at o'Clock in the Forenoon, and there to prosecute his Appeal against the said Order.

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following; viz., the said principal Party the Sum of and the said Sureties the Sum of each, in case the said principal Party fails to perform the above Obligation.

Signed { _____ Principal Party. _____ } Sureties. _____

Taken before me, this Day of at

Signed _____ Justice.

I certify, That the said has not performed the above Obligation.

Certificate of Forfeiture.

Signed _____

This Day of 185 .

I order, That the Sum of be levied off the Goods of the said principal Party, and the Sum of off the Goods of each of the said Sureties.

Order to estreat.

Signed _____

This Day of 185 .

FORM (D.)—CERTIFICATE OF RECOGNIZANCE TO APPEAL.

_____	*Plaintiff.*	Court of _____
_____	*Defendant.*	County of _____

Whereas an Order was made by the Court of
on the Day of , against
of

(1) Order of Court against which Party appeals.

To the following Effect; viz. (1)

I certify, That he has duly entered into a Recognizance in the Sum of with Two Sureties in the Sum of each, conditioned to prosecute his Appeal against the said Order.

Signed _____ Justice.

This Day of 185 .

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Act was explained and amended by an Act passed in the Session holden in the Tenth and Eleventh Year of Her Majesty, Chapter Eleven; and an Act was passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and nineteen, to simplify the Forms of Certificate under the said first-mentioned Act; and an Act was passed in the last Session of Parliament (Chapter Thirty-one), "to authorize further Advances of "Money for Drainage and the Improvement of Landed Property in "the United Kingdom, and to amend the Acts relating to such "Advances:" And whereas Funds remain applicable for Advances under the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 11.

11 & 12 Vict. c. 119.

13 & 14 Vict. c. 31.

Landowners in the Highlands or Islands of Scotland may make Application for Loans for defraying Expenses of Emigration of the Poor.

I. Any Owner of Land in the Highlands or Islands of *Scotland*, who may be desirous of obtaining an Advance by way of Loan, under this Act, for defraying in whole or in part the Expenses of the Emigration of any poor Persons in the Parishes or Combinations in which such Land is situate, willing to emigrate to Parts beyond the Seas, may make Application to the Inclosure Commissioners for *England* and *Wales* for such Advance: Provided always, that such Application shall be with the Consent of the Board of Supervision for the Relief of the Poor in *Scotland*, who shall signify in Writing under the Hand of One of the Members of such Board, or of their Secretary, their Opinion that such Emigration would be expedient, and that Notice of such Application, with Lists and Particulars of the Persons the Expenses of whose Emigration it is so proposed to defray in whole or in part, shall be transmitted by such Owner to the Colonial Land and Emigration Commissioners.

After Inquiries by Inclosure Commissioners and Colonial Land and Emigration Commissioners, Treasury may direct the Issue of a Provisional Certificate.

II. The Inclosure Commissioners shall make such Inquiries in relation to any such Application as they may think necessary, and shall report their Opinion thereon to the Commissioners of Her Majesty's Treasury; and the Colonial Land and Emigration Commissioners, after making any Inquiries which they may think proper in relation to the proposed Emigration, shall report their Opinion to the said Commissioners of the Treasury as to the Propriety of such Emigration; and if it appear to the said Commissioners of the Treasury that an Advance should be made, they may direct the said Inclosure Commissioners to issue a Provisional Certificate for such Advance, and such Inclosure Commissioners shall thereupon issue a Provisional Certificate, which shall declare, that upon its being certified to them, by the Colonial Land and Emigration Commissioners, that the proposed Emigration has taken place, and that the Expense or Portion of

of the Expense thereof in respect of which the Advance is to be made has been actually defrayed by the Owner of the Land mentioned in such Provisional Certificate, the said Inclosure Commissioners will certify to the Commissioners of the Treasury their Opinion that such Advance should be made out of the Monies applicable under the said Acts, and such Advance may be made accordingly, and the Land mentioned in such Provisional Certificate shall be charged in respect thereof, in like Manner as the same may be charged in respect of Advances made for the Improvement thereof under the said Acts.

Restrictions on Amount of Loans not to be applicable to Loans under this Act.

III. So much of the said Acts as limits the Amount for which a Provisional Certificate may be issued upon any Application or Applications by the same Owner or in respect of the same Land, shall not extend or be applicable to or in the Case of any Provisional Certificate to be issued upon any Application under this Act, and no Provisional Certificate issued or Advance made under this Act shall be taken into account in computing the Amount for or in respect of which Provisional Certificates may be issued under the said Acts.

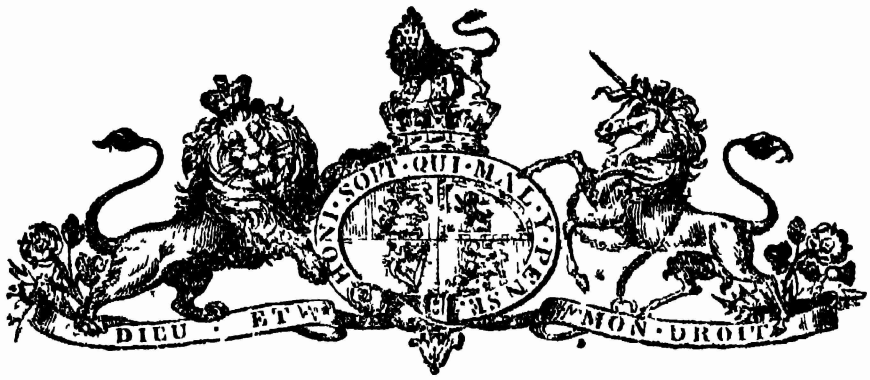
Emigration Commissioners may circulate Notices of Particulars.

IV. The Colonial Land and Emigration Commissioners may issue and cause to be circulated, as they may think proper, Notices of the Particulars which should be transmitted to them in respect of Applications under this Act.

Provisions of recited Acts to extend to Applications and Advances under this Act.

V. All the Provisions of the said Acts in relation to and consequential upon Applications and Advances, and the Charges in respect of such Advances, under the said Acts or any of them, shall (so far as the Nature of the Case permits, and subject to the Provisions of this Act) extend and be applicable to and in the Case of Applications and Advances, and the Charges in respect of such Advances under this Act; and the said Acts and this Act shall be read together as One Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

liable to under the said Provisions; and all Proceedings as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, shall be subject in all respects to the Provisions of "The Petty Sessions Act, *Ireland*, 1851," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act.

CRIMINAL JURISDICTION.

Malicious Injury to Persons.

II. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case;

Common Assaults.

1. Any Person who shall unlawfully assault or beat any other Person shall be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Two Months:

Assaults with Intent to prevent Sale of Corn, &c.

2. Any Person who shall assault or beat or use any other Violence to any other Person, with Intent to deter him from buying or selling any Corn or other Agricultural or Garden Produce in any Market or other Place, or to stop the Conveyance of the same, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Three Months:

Certificate of trifling or justifiable Assaults.

Provided always, that in case the Justices shall find any such Assault as aforesaid to have been of a trifling or justifiable Nature, they shall give to the Person against whom the Complaint shall have been made such Certificate as is authorized by the said Petty Sessions Act;

The preceding Provisions not to apply to felonious Assaults;

and provided also, that in case they shall find any such Assault to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from adjudicating summarily thereupon, and shall deal with the Case in all respects as One to be prosecuted at the Assizes or Quarter Sessions;

nor to any Assault where a Title to Lands, &c. is in question.

but nothing herein contained shall authorize any Justices to hear and determine in a Summary Way any Case of Assault in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or to any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Superior Court.

Wilful Injury to Property.

III. Any Person who shall commit any of the next following Offences (whether from Malice conceived against the Owner of such Property, or not,) shall be liable to the Punishment herein-after specified in each Case:

1. Any

Wilful Injury to Property.

Journeyman, &c. for spoiling Goods or Work, (under the Value of 5*l.*)

1. Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer who shall unlawfully and wilfully damage, spoil, or destroy any Goods, Wares, Work, or Materials committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c.

2. Any Person who shall unlawfully and wilfully destroy, or damage with Intent to destroy, any Plant, Fruit, or Vegetable Production growing in any Garden, Orchard, Nursery Ground, Shrubbery, Pleasure Ground, Hot-house, Green-house, or Conservatory, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Twenty Pounds, or to be imprisoned for any Term not exceeding Six Months:

Destroying, &c. Vegetable Productions not growing in Gardens, &c.

First Offence.

Second Offence.

3. Any Person who shall unlawfully and wilfully destroy, or damage with Intent to destroy, any Plant, Fruit, or cultivated Vegetable Production growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month; and for any Second or subsequent like Offence shall, in addition to any like Compensation, be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying or damaging Trees, Shrubs, &c. (the Value being under 5*l.*)

4. Any Person who shall, between Sunrise and Sunset, unlawfully and wilfully cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Description of Underwood, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying, &c. any Fence, Wall, Stile, or Gate.

5. Any Person who shall unlawfully and wilfully damage or destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall for the

First Offence.

Wilful Injury to Property.

the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months; and for any Second or subsequent Offence he shall, in addition to any Compensation ordered, be liable to a Fine not exceeding the Sum of Ten Pounds or to be imprisoned for a Term not exceeding Twelve Months:

Second Offence.

Obstructing Export of agricultural Produce.

6. Any Person who shall unlawfully stop or seize upon any Cart or other Carriage, or Horse, loaded with Corn or other Provisions, in or on the Way to or from any Place of Sale or shipping, or shall wilfully injure the same or any Part thereof, or the Harness of the Horses drawing the same, or shall unlawfully take off, drive away, or injure any of such Horses in order to stop the same, or shall scatter or throw away such Corn or other Provisions, or shall carry away or damage the same or any Part thereof, or shall distribute the same, or compel the Owner or his Servant, or the Carrier of the same, to distribute or otherwise depart from the Possession of the same or of any Part thereof, contrary to his Consent, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Breaking Windows or injuring other Property of a Workhouse (where Value under 40*s.*)

7. Any Person who shall unlawfully and wilfully break any Pane of Glass in the Windows of any Workhouse of a Poor Law Union, or damage or destroy any of the Furniture, Clothes, or other Property of the Guardians of the Poor of any Poor Law Union, (the Injury done being under the Value of Forty Shillings,) shall be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Damage to Property in any Case not previously provided for (where Value under 5*l.*)

8. Any Person who shall unlawfully and wilfully commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which Offence no Punishment is already otherwise provided by this Act, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Persons in the Act of offending may be apprehended without Warrant.

And any Person found committing any of the said Offences may be immediately arrested, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property in respect of which the Offence shall have been committed, or by the Servant of such

such Owner, or by any other Person authorized by such Owner, or by any other Person in care or charge of such Property, and shall with all convenient Speed be taken before some neighbouring Justice, to be dealt with according to Law: Provided always, that nothing herein contained shall extend to any Case where the Party offending acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass (not being wilful and malicious) committed in Hunting, Fishing, or the Pursuit of Game; but every such Trespass shall be punishable in the same Manner as before the passing of this Act.

Wilful Injury to Property.

Exception of unintentional Trespasses.

IV. Whenever any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any of the Articles of Property herein-after mentioned has been taken or stolen, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Property; and any Person in whose Possession or on whose Premises any of the said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of the Constabulary or Metropolitan Police Forces when executing any Warrant, or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice to Gaol until the next Day of holding Petty Sessions for the District, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall be convicted at such Petty Sessions of any of the next following Offences he shall be liable to the Punishment herein-after specified in each Case:

Accounting for stolen Property.

Justice may issue Search Warrant for certain Articles, and require Person to account for having same in his Possession;

and on failing so to do he may be committed to Gaol till next Petty Sessions.

1. Any Person in whose Possession or on whose Premises any Goods, Merchandise, or other Articles belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore, shall be so found, and who shall not satisfy the Justices that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, shall be liable to a Fine not exceeding Fifty Pounds, or to be imprisoned for a Term not exceeding Twelve Months:

Possession of shipwrecked Goods.

2. Any Person in whose Possession or on whose Premises the Carcase of any Sheep, Lamb, or Deer, or the Head, Skin, or other Part thereof, or any Venison, Mutton, Fat, Skin, or Fleece of such Deer, Sheep, or Lamb, shall be so found, and who shall not account for the same in manner aforesaid, shall be

Possession of stolen Mutton, &c.

Accounting for stolen Property.

be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Possession of stolen Wood.

3. Any Person, in whose Possession or on whose Premises the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, (being of the Value of One Shilling at the least,) shall be so found, and who shall not account for the same in manner aforesaid, shall pay to the Party aggrieved the Value of the Article or Articles so found, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Offering shipwrecked Goods for Sale.

4. Any Person who shall offer or expose for Sale any Goods, Merchandise, or Articles which shall have been unlawfully taken, or reasonably suspected to have been taken, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, (whether found by virtue of a Search Warrant or not,) and who shall not account for the same in manner aforesaid, shall pay such Sum as the Justices shall fix as a reasonable Reward to the Person who shall have seized the same, and shall also be liable to a Fine not exceeding Thirty Pounds, or to be imprisoned for a Term not exceeding Six Months (and in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise or Constabulary Force, or other Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same or give Notice of such Seizure to some neighbouring Justice):

(Officers of Customs, &c. may seize the Goods.)

Justices may order Restitution of the stolen Property.

And in every Case where any such Articles of Property shall be of a perishable Nature it shall be lawful for the Justice by whom such Person shall be bound to appear at Petty Sessions to direct that the same shall in the meantime be delivered over to such Person as he or they shall be clearly satisfied to be the rightful Owner thereof; and in every Case where any such Articles of Property shall not be so delivered over in the first instance, it shall be lawful for the Justices by whom the Case shall be heard at Petty Sessions to direct that the same shall be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, that the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if any Person shall not under the Provisions last aforesaid be liable to Conviction, then, for the Discovery of the Person who actually stole such Articles of Property, it shall be lawful for the Justices, at their Discretion,

In case the Persons in possession are not convicted, Justices may

cretion, as the Evidence given and the Circumstances of the Case shall require, to summon before them any Person through whose Hands such Articles of Property or any Part thereof shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy the Justices that he came lawfully by the same, he shall be liable to the Punishment herein-before specified in each Case.

summon other Persons.

V. Any Person who shall commit any of the next following Offences as to any of the Articles of Property in this Section mentioned, (or who shall receive any of the same knowing them to have been stolen or unlawfully come by,) shall for the First Offence be liable to the Punishment (and for any second or subsequent Offence to double the Amount of Punishment) herein-after specified in each Case:

Stealing Property.

1. Any Person who shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer in any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, shall be liable to a Fine not exceeding Fifteen Pounds, or to be imprisoned for a Term not exceeding Three Months:

Stealing, &c. Deer in any inclosed Ground.

2. Any Person who shall steal any Dog, or any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, or in whose Possession or on whose Premises the same, or the Skin or Plumage thereof, shall be found, by virtue of a Search Warrant, such Person knowing that the said Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird, shall pay the Value of the Property stolen to the Party aggrieved, and shall also be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny.

3. Any Person who shall steal, or damage with Intent to steal, any Part of any live or dead Fence, or any Wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall pay to the Party aggrieved the Value of the Property stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Stealing, &c. any live or dead Fence, Wooden Stile or Gate.

4. Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Under-wood,

Stealing Trees, Shrubs, &c. (under the

Value of 5*l.*) growing anywhere.

wood, or any growing Fruit or Vegetable Production, or any growing cultivated Root or Plant, shall (in case the Value of the Property stolen or the Amount of the Injury done shall not exceed Five Pounds) pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months:

Stealing Trees, Plants, Vegetables, &c. severed from the Soil, or Turf Fuel (not exceeding 40*s.* in Value).

5. Any Person who shall steal, or damage with Intent to steal, the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or Vegetable Production, severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel (in case the Value of such Article or Articles stolen or the Amount of the Injury done shall not exceed Forty Shillings), shall pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Workman making away with Goods (not exceeding 5*l.* in Value) committed to his Care.

6. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person who shall unlawfully dispose of, or retain in his Possession without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge, (the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds,) shall pay to the Party aggrieved such Compensation as the Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Stealing Poultry (not exceeding 5*s.* in Value).

7. Any Person who shall steal, or injure with Intent to steal, any Turkey, Goose, or other Poultry, (where the Value of such Poultry so stolen or injured shall not exceed Five Shillings,) shall be liable to a Fine not exceeding Twenty Shillings, or to be imprisoned for a Period not exceeding Two Weeks:

A Justice may grant a Search Warrant for such stolen Property.

Persons in the Act of committing such Offences may be apprehended without Warrant.

And if any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any such stolen Property is in any House or other Place, such Justice may grant a Warrant to search such House or other Place for such Property; and any Person found committing any of the said last-mentioned Offences may be immediately arrested, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property with respect to which the Offence shall be committed, or by the Servant of such Owner, or any Person authorized by such Owner, and such Offender shall with all convenient Speed be taken before some neighbouring

bouring Justice, to be dealt with according to Law; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to arrest, without a Warrant, and with all convenient Speed to carry before a neighbouring Justice, the Person offering the same, together with such Property, to be dealt with according to Law; and in every such Case any such stolen Property shall, by Order of the Justices by whom the Case shall be heard and determined, be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if the Justices before whom any Person charged with any of such last-mentioned Offences shall be brought shall be of opinion that the Case is a fit Subject for Prosecution by Indictment for Larceny, such Justices shall, instead of summarily adjudicating thereupon, deal with the Case as One to be prosecuted by Indictment at the Assizes or Quarter Sessions.

Stealing Property.

Any Person to whom the stolen Property is offered to seize the Party.

Justices may order Restitution of the stolen Property, or Sale if Owner is not known.

If any such last-mentioned Offence be deemed fit for Indictment, Case to be dealt with as such.

VI. Any Person who shall commit any of the next following Offences (and whose Age at the Time of the Commission thereof shall not, in the Opinion of the Justices, exceed the Age of Fourteen Years,) shall be liable to the Punishment herein-after specified:

Stealing by Juvenile Offenders.

1. Any such Person who shall commit, or attempt to commit, or who shall aid or abet the Commission of any Offence which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, shall, upon Conviction thereof before the Justices sitting in Petty Sessions and in open Court, be liable to a Fine not exceeding Three Pounds, or to be imprisoned for a Period not exceeding Three Months:

Persons not exceeding Fourteen Years of Age committing certain Offences may be summarily convicted;

2. If a Male, such Person shall, if the Justices shall see fit, be liable to be once privately whipped, either instead of or in addition to such Imprisonment, and the Justices shall from Time to Time appoint some fit and proper Person to inflict said Punishment of Whipping, when ordered to be inflicted out of Prison:

If a Male, may be whipped.

3. And if the Justices, upon the Hearing of any such Case, shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, they shall dismiss the Person charged, on his finding a Surety or Sureties for his future good Behaviour, or without such Sureties, if the said Justices shall so think fit:

If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties, with or without Sureties.

No other Forfeiture; but Justices may order Restitution of Property; or if not forthcoming may order Compensation.

And no Conviction of any such Juvenile Offender for any such Offence shall be attended with any Forfeiture, save as herein-before mentioned; but whenever any such Person shall be convicted of such Offence it shall be lawful for the Justices to order Restitution of the Property in respect to which such Offence shall have been committed to the rightful Owner; or if such Property shall not then be forthcoming, the Justices, whether they shall award Punishment or dismiss the Complaint, may, if they shall think fit, order Payment of the Value of such Property in Money to the rightful Owner by the Person convicted: Provided always, that if the Justices shall be of opinion, before any such Person shall have made his Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, (or if the Parent or next Friend of such Person shall, upon his being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act,) the Justices shall, instead of summarily adjudicating thereupon, deal with the Case as One to be prosecuted by Indictment at Assizes or Quarter Sessions.

If the Charge is thought fit for Indictment, &c. Case to be dealt with as such.

Frauds as to Provisions.

VII. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Offering adulterated Corn, &c. for Sale.

1. Any Person who shall sell or offer for Sale any Wheat, Rye, Meslin, Peas, Beans, Barley, Bere, Oats, Shillin, Cutlings, Meal, Flour, Malt, or other Corn which shall in the whole or in part be spoiled or adulterated by wetting or mixing therewith any Sand, Gravel, Dirt, or rotten or damaged Corn, Grain, Malt, Meal, or Flour, or grown or blighted Corn, or other kind of Stuff, or which shall not be in Quality of equal Goodness to that produced to the View of the intended Buyer or Buyers thereof, or shall use any other Fraud or Deceit therein, in order to make such Corn, Grain, Malt, Meal, or Flour appear heavier than it would have been without such Mixture, Fraud, or Deceit, shall forfeit all such Corn, Grain, Malt, Meal, or Flour, to be disposed of as the Justices shall direct, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month:

Offering unwholesome or fraudulently prepared Meat, &c. for Sale.

2. Any Person who shall exhibit for Sale any unwholesome or fraudulently prepared Meat, Fish, or other Provisions or Food of any kind for Man or Beast, or shall practise any Deceit or Fraud in respect to the Quality of any such Meat, Fish, or other Provisions, shall forfeit all such Meat, Fish, or other Provisions, to be disposed of as the Justices shall direct, and shall

shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month: *Frauds as to Provisions.*

And it shall be lawful for any Justice to seize or cause to be seized any of the Articles herein-before last mentioned as to which any such Offence shall have been committed; and the said Justice may, if he shall deem it expedient, either proceed at once to hear and determine the Case, or may adjourn the Hearing thereof to the next Petty Sessions of the District.

VIII. Any Person who shall commit any of the next following Offences shall be liable to a Fine not exceeding Ten Shillings, and in default of Payment thereof at such Time as the Justices shall fix shall be liable to be imprisoned for a Period not exceeding One Week: *Trespass of Persons.*

1. Any Person who shall wilfully trespass in any Field, Garden, Pleasure Ground, Wood, Plantation, or other Place, and shall neglect or refuse to leave any such Place after he shall have been warned to do so by the Owner, or by the Caretaker or Servant of the Owner, or by any Person authorized in that Behalf by the Owner: Trespass on Fields, &c. and refusing to leave.
2. Any Person who shall again trespass in any such Place within Three Months from the Time when any such Warning shall have been so given to him: Repetition of Trespass after Warning.

Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to go into or upon any such Place, nor to any Trespass (not being wilful or malicious) committed in Hunting, Fishing, or the Pursuit of Game, but nothing herein contained shall prevent any Person from maintaining any Civil Action or Suit for any such Trespass, instead of proceeding under this Act. But not to extend to certain Cases of Trespass; nor to prevent Right of Civil Action.

IX. Any Person who shall commit any of the next following Offences on or relating to any public Road shall be liable to the Punishment herein-after specified in each Case: *Injuries to public Roads.*

1. Any Owner or Occupier of any Lands contiguous to any public Road who shall omit to scour any Ditch or Drain leading from such Road, so as to allow the Water to pass away, within Ten Days after Notice shall have been given to him so to do by the County Surveyor or by the Contractor for the Repair of such Road, or who shall suffer the Passage of the Water to be obstructed by making or leaving any Way or Passage from any Road into the adjoining Lands, or into his House, without a sufficient Pipe, Sewer, or Gullet underneath it, shall be liable to a Fine not exceeding Twenty Shillings: Omitting to scour Ditches, or to have Drains under Passages in and out of Roads, after Notice.

2. Any

Injuries to public Roads.

Building Houses within 30 Feet.

2. Any Person who shall build or cause to be built any House or Part of a House within Thirty Feet of the Centre of any public Road, except in the Streets of Corporate or Market Towns, or where a House now stands, shall be liable to a Fine not exceeding Ten Pounds, and to a further Sum of Ten Shillings a Week from the Time of his Conviction until the same shall be pulled down or removed:

Deepening Ditches without Consent of County Surveyor.

Altering Fences without Consent of County Surveyor, &c.

(What shall be deemed the Centre of the Road.)

3. Any Person who shall scour, deepen, widen, or fill up any Ditch or Drain on the Side of any public Road, or who shall alter the Fences of any public Road; or who shall build any Wall, or make any Ditch, Drain, or Watercourse, or dig any Pit or Hollow, on any public Road, or within Thirty Feet of the Centre thereof (save upon or within any ancient Fence adjoining such Road); or who shall otherwise break up the Surface of any Road or Footpath, unless with the Consent of the County Surveyor, or by the Authority of any Presentment, shall be liable to a Fine not exceeding Twenty Shillings (and the Centre of the Road, for the Purposes of this Act, shall be deemed to be the Centre of the Part thereof made with Gravel or Stones):

Scraping Roads without Consent of County Surveyor, &c.

Drawing Timber, &c. so as to injure Road.

Riding on Footpaths.

4. Any Person who shall, without the Consent of such Surveyor or Contractor, scrape any public Road, or cut any Sods or Turf on the Side of any such Road, or take any Earth, Clay, Stone, or Gravel from any such Road, or who shall draw any Timber or Stones along any Part of a public Road, without being supported by Wheels from touching the same, or who shall ride or drive any Horse or other Animal, willingly and unnecessarily, on any Footpath, shall be liable to a Fine not exceeding Twenty Shillings:

Taking Materials to the Injury of any Road or Building.

5. Any County Surveyor or Road Contractor, or other Person, who shall dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea-shore, whereby a public Road, or Bulwark or Defence to any Bridge or like Building, or any Land within the Fences of any such Road, may be injured, shall be liable to a Fine not exceeding Five Shillings for every Cartload of such Gravel, Stones, Sand, or other Materials so dug, raised, or carried away:

Destroying any Pay Gate or Turnpike Gate, &c.;

6. Any Person who shall wilfully damage or destroy any Pay Gate or Turnpike Gate, or any Post, Rail, Wall, Chain, Bar, or other Fence of any kind whatsoever, which shall be used to prevent Passengers from passing by without paying the Toll payable by virtue of any Act of Parliament, or any Toll House for the Use of any such Pay Gate or Turnpike Gate, or who shall

shall forcibly rescue or attempt to rescue any Person or Persons, being lawfully in Custody of any Constable or other Person for any such Offences, shall be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding Two Months:

or rescuing any Person in Custody for such Offences.

7. Any Person who shall wilfully prevent or assault, or threaten to prevent or assault, any County Surveyor or Road Contractor in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Line intended for a new Road, or who shall wilfully destroy, pull up, deface, or injure any Surveyors Instruments or Implements used in making or laying out any public Road, or any Milestone, Milepost, or Direction Post, or any Bridge, Battlement, Wall, Railing, Mound, or Fence belonging to any public Road, or who shall wilfully break, deface, pull down, or take away Stones out of any such Battlement, Wall, Mound, or Fence, or out of any Bridge, Pipe, Arch, or Gullet belonging to any public Road, shall be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Three Months:

Assaulting Engineers, Surveyors, or Contractors on public Roads.

8. It shall be lawful for any Two Justices of the County, upon Application of the County Surveyor, to forbid any Person or Persons from riding or driving any kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding Six Months after such new Road shall have been made, and the Expenditure thereon duly accounted for at Special Sessions; and any Person who shall wilfully disobey such Order (the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road) shall be liable to a Fine not exceeding Twenty Shillings:

Using new Road for certain Time after making.

And if the County Surveyor or the Contractor for the repairing of any public Road in any County shall think that such Road is prejudiced by any of such Neglects or Offences as aforesaid, or by the Shade of any Hedges or Trees (except those planted for Ornament or Shelter of any Dwelling House, Courtyard, or Garden), or that any Obstruction is caused in any public Road by any Hedge or Tree, it shall be lawful for such Surveyor or Contractor, by Notice in Writing, to require the Person who shall be guilty of any such Neglect or Offence, or the Owner of the Land on which such Hedges or Trees are growing, as the Case may be, to fill up any Ditch or Drain which shall have been so scoured, deepened, or widened, or to scour any Drains which have been so filled on the Side of any public Road without the Consent of the said County Surveyor or the Authority of a Presentment, or to scour or deepen any Drain or Ditch leading from any

County Surveyor or Contractor may require Owners of Land to remove Obstructions, &c. and to prune Hedges or Trees injuring Roads.

Injuries to public Roads.

Road which shall be omitted to be scoured or deepened after due Notice by such Surveyor or Contractor, or to remove any Way or Passage from any Road into any adjoining Land or to any House which may obstruct the free Passage of the Water, or to remake the same by building a Gutter, Sewer, or Arch therein, or to pull down any Wall or fill up any Ditch or Drain the building of which shall have been an Offence against the Provisions of this Act, or to cut or plash such Hedges, or to prune or lop such Trees, so as that such Road may not be prejudiced or obstructed by the same; and if such Person or Owner shall not comply with such Request within Ten Days after such Notice, it shall be lawful for such Surveyor or Contractor as aforesaid to summon such Person or Owner before the Justices assembled at any Petty Sessions of such County, to show Cause why he has not complied with such Request; and upon the Hearing of such Case it shall be lawful for such Justices, if they shall see fit, to order that such Person or Owner shall act as required by such Notice as aforesaid; and if the said Person or Owner shall not obey such Order within Ten Days after the making of the same, it shall be lawful for such Surveyor or Contractor, if so directed by the Justices, to do all or any of the said Acts so required by such Notice, for the Benefit and Improvement of such Road, or to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and at the Expense of such Person or Owner; and it shall be lawful for such Justices, upon Complaint of such Surveyor or Contractor as aforesaid, and upon Proof of the Expenses incurred, to issue their Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of such Person or Owner: Provided always, that no Person shall be compelled, nor any such Surveyor or Contractor as aforesaid permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Owners not complying to be summoned before Justices at Petty Sessions; who may order Obstructions, &c. to be removed; and on Refusal of Owner, the Surveyor or Contractor may do it at Expense of Owner;

Expenses may be levied by Distress and Sale;

But Trees, &c. not to be cut or pruned at certain Seasons.

Nuisances on public Roads.

X. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Turning Horse, &c. loose.

1. Any Person who shall in any public Road or Street of a Town turn loose any Horse or Cattle, or set on or urge any Dog or other Animal to attack or worry any Person, Horse, or other Animal, or who by Negligence or Ill-usage in driving Cattle shall in any public Road or any Street of a Town cause any Mischief to be done by such Cattle, shall be liable to a Fine not exceeding Ten Shillings:

Negligence in driving Cattle, &c.

Flying Kites or making Slides.

2. Any Person who shall fly any Kite or play at any Game, or make or use any Slide upon Ice or Snow, on any public Road or in any Street of a Town, to the Danger of the Passengers; or

Nuisances on public Roads.

Fireworks, &c.

or who shall cast or throw any Fireworks or discharge any Fire-arms on any public Road, or within Sixty Feet of the Centre thereof, or in any Street or Passage of a Town, or who shall cast, throw, or discharge the same, or suffer the same to be cast, thrown, or discharged, from out of his House, Shop, Dwelling, Lodging, or Habitation, or from out of any Place thereto belonging, into any public Road, Street, or Passage, shall be liable to a Fine not exceeding Ten Shillings:

Leaving Ploughs, Harrows, &c. on the Road.

3. Any Person who shall leave or permit to be left on any public Road any Plough, Harrow, Cart, or other Carriage, without the Horse or other Animal being harnessed thereto, unless such Carriage shall have been accidentally broken down there, shall be liable to a Fine not exceeding Ten Shillings:

Slaughtering Beasts on a Road.

4. Any Person who shall slaughter any Beast, or leave any dead Beast, or skin or permit to be skinned any Beast, on any public Road or within Thirty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Laying Stones, Timber, &c.

5. Any Person who shall lay any Stones, Timber, Dirt, Dung, Turf, Straw, Rubbish, or Scourings of any Ditches or Drains, or other Object, on any public Road or within Thirty Feet of the Centre thereof, or in any Street of a Town, so as to cause Danger or Mischief to any Passengers, and shall allow the same to remain there longer than shall be absolutely necessary, shall be liable to a Fine not exceeding Ten Shillings; and for every Cartload of Dung, Rubbish, Scourings, Clay, Stones, Bricks, Sand, or Lime, or other like Materials, which shall have been so laid on any public Road or Street, and which shall be allowed to remain there for more than Twenty-four Hours after the Owner thereof shall have been required by any Justice or by the County Surveyor, by Notice in Writing, to remove the same, such Owner shall, in addition to the above Fine for so leaving the same there in the first instance, be also liable to a further Fine not exceeding Two Shillings and Sixpence for every Day that the same shall be allowed to remain there after the Expiration of the said Period of Twenty-four Hours:

Fine for every Day that Materials are left on Road after Notice to remove the same.

Scalding Casks, beating Flax, or winnowing Corn, &c.

6. Any Person who shall hoop, scald, or fire any Cask, or bind any Car or Cart Wheels, or beat any Flax, or thresh or winnow any Corn, on any public Road or Street of a Town, or within Thirty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Keeping Dogs either unlogged or unmuzzled.

7. Any Person who shall keep or suffer to be at large within Fifty Yards of any public Road any Dog, without having such Dog muzzled,

Nuisances on public Roads.

Justices may order dangerous Dogs to be killed.

muzzled, or without having a Block of Wood fastened to the Neck of such Dog, of sufficient Weight to prevent such Dog from being dangerous, shall be liable to a Fine not exceeding Ten Shillings; and it shall be lawful for the Justices of the Petty Sessions District to issue a Warrant to any Sub-Inspector, Head or other Constable, directing him to seize or kill any dangerous Dog which shall be so kept near any public Road contrary to the Provisions of this Act, and such Sub-Inspector, Head or other Constable, may accordingly seize or kill any such Dog:

Drying Flax or burning Weeds, &c.

8. Any Person who shall dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes, or make or assist in making any Fires commonly called Bonfires, or any other kind of Fire, upon any public Road or within Sixty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Carrying Timber crosswise.

9. Any Person who shall lead or drive on any public Road or Street of a Town any Car or other Carriage with Timber, Boards, or Iron laid across, so that either End shall project more than Two Feet beyond the Wheels or Sides thereof, shall be liable to a Fine not exceeding Ten Shillings:

Exposing Horses, &c. for Show, Sale, or Hire.

10. Any Person who shall expose upon any public Road or in any Street of a Town any Horse or other Animal for Show, Hire, or Sale, except in any Fair or Market or other Place lawfully appointed for that Purpose, shall be liable to a Fine not exceeding Forty Shillings:

Allowing Swine, &c. to wander on Roads.

Swine, &c. wandering on Roads may be impounded if Owner is not known.

11. Any Person who shall allow any Swine or other Beast to wander upon any public Road, or about the Streets or Passages of any Town, shall be liable to a Fine not exceeding Two Shillings; and in case the Owner shall not be known, it shall be lawful for any Person by whom any such Swine or other Beast shall be found wandering upon any such Road, Street, or Passage to impound the same, subject to the Provisions herein-after contained as to the impounding of Distresses:

Surveyor or Contractor not liable to Fine, except in certain Cases.

Provided always, that nothing herein contained shall render any County Surveyor or Road Contractor liable to any Fine for any Act done by such Surveyor in the Discharge of the Duties of his Office, or by such Contractor in the necessary Execution or Performance of his Contract; but if any such Surveyor or Contractor shall lay or cause to be laid any Heap of Stones, Gravel, Rubbish, or other Matter whatever, upon any public Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, (all due and reasonable Precautions not having been taken by him to prevent any such Danger or Damage,) such

such Surveyor or Contractor shall be liable to a Fine not exceeding Five Pounds.

Public Stage Carriages.

XI. Any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road or in any Street of a Town shall (in addition to any Civil Action to which he may subject himself) be liable to a Fine not exceeding Forty Shillings;

Carrying more than a certain Number:

1. Any Driver, Owner, or Guard of any Coach, Omnibus, Car, Caravan, or other Carriage, by what Name soever the same is or shall hereafter be called or known, which shall be employed as a public Stage Carriage for conveying Passengers for Hire, who shall permit more Passengers to be carried by the same than the Number for whom Seats shall be respectively provided, inside or outside of the same, allowing a Space of at least Sixteen Inches for each Passenger, over and above the Space allotted to the Driver and Guard when there is a Guard; but no Child under Seven Years of Age shall be included in or counted as One of such Number; and it shall be lawful for any Justice, County Inspector, Sub-Inspector, Head or other Constable, to stop any such Carriage which shall appear to carry a greater Number of Passengers than the above, and to measure the Seats of same, in order to ascertain whether sufficient Space has been allotted to the Passengers:

Carrying Luggage on the Top of any Carriage with Inside Passengers exceeding a certain Height:

2. Any Driver, Owner, or Guard of any such public Stage Carriage who shall allow any Passenger to sit upon the Top of any Luggage, or upon any Part of such Carriage not intended to carry Passengers, or who shall carry or permit or suffer any Parcel or Parcels of Luggage whatever exceeding Two Feet in Height above the Roof to be conveyed on any such Carriage carrying Inside Passengers:

Omitting to paint Number of Passengers to be conveyed on the Doors, &c. of public Carriages:

3. Any Person who shall keep and employ any such public Stage Carriage, and who shall not paint or cause to be painted on the Outside of the Door, or of each Door when there shall be more than One, of such Carriage, or on some other conspicuous Part of such Carriage where there shall be no Door, in legible Letters of at least One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, the Number of Passengers which such Carriage shall be intended to carry, together with the Name or Names of the Person or Persons or Firm of the Company of Proprietors to whom such Carriage shall belong, or who shall cause any such Carriage as aforesaid to be employed or used for carrying any Passengers for Hire without having

Public Stage Carriages.

the said Words painted in such Manner as is herein-before directed:

Misconduct of Drivers, &c. to Passengers, &c.:

4. Any Driver or Guard of any such public Stage Carriage who shall wilfully mis-spend or lose Time on the Road, or who shall use abusive or insulting Language to any Passengers, or who by reason of Intoxication, Negligence, or other Misconduct, shall endanger the Passengers in their Lives or their Property, or the Property of any other Person with which they may be intrusted, or who shall demand or exact more than the proper Fare due from any Passenger; and in any such Case the Justices may, in addition to the Fine, order such Offender to repay to any Party so aggrieved any Sum so exacted, or a reasonable Compensation for any Damage or Loss caused by any such Offence:

Drivers leaving their Horses until a proper Person shall stand at their Head:

5. Any Driver of any such public Stage Carriage who shall (at any Place or Places where Assistance can be procured) quit his Horse or Horses, or the Box of such Carriage, until a proper Person or Persons shall stand at the Head of the Horse or Horses or Fore Horse or Fore Horses, or shall hold the Reins so as to prevent them from running away; or any such last-mentioned Person or Persons who shall not remain at their Head or hold the Reins until the Driver has returned to his Box; or any Driver of any such Carriage who shall intrust the Reins to any other Person to drive such Carriage, or any Person who shall so take such Reins and drive such Carriage.

or allowing others to drive.

Carts and Cars.

XII. Any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road, or in any Street of a Town, shall (in addition to any Civil Action to which he may subject himself) be liable to a Fine not exceeding Ten Shillings:

Where Names of Owners are not painted on Carts, &c.:

1. Any Owner of any Cart, Car, Dray, or other such Carriage used for the Conveyance of Goods who shall use or allow the same to be used on any public Road or Street without having his Name and Residence painted upon some conspicuous Part of the Right or Off Side of such Carriage, in legible Letters not less than One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, or who shall paint or cause to be painted any false or fictitious Name or Residence on such Carriage:

One Driver taking charge of more than

2. Any Person who shall act as the Driver or have the sole Charge of more than One such Carriage as last aforesaid on any public Road or Street, unless in the Cases where Two of such Carriages

Carriages and no more shall be drawn each by One Horse only, and the Horse of the hinder of such Carriages shall be attached by a sufficient Rein to the Back of the foremost of such Carriages: **One Cart, &c., except in certain Cases:**

3. Any Person having the Care and Charge of any such Carriage as last aforesaid who shall ride upon the same, or upon any Horse drawing the same, on any public Road or Street, except where he shall be accompanied by some other Person on Foot or on Horseback to guide the same, or where such Carriage shall be driven with Reins, and be conducted by some Person holding the Reins of all the Horses drawing the same: **Drivers of Carts riding thereon without some other Person to guide them:**

4. Any Driver of any such Carriage as last aforesaid who shall negligently or wilfully be at such Distance from such Carriage, or in such a Situation that he cannot have the Direction of the Horse or Horses drawing the same, or who shall leave any such Carriage on such Road or Street so as to obstruct the Passage thereof: **Drivers leaving their Carts:**

5. Any Driver of any such Carriage as last aforesaid, not having the Owner's Name thereon as hereby required, and remaining legible thereon, who shall refuse to tell or to discover the true Christian and Surname and Residence of the Owner of such Carriage. **Driver refusing to tell Owners Names.**

XIII. Any Person who shall on any public Road or Street commit any of the next following Offences shall (in addition to any Civil Action to which he may make himself liable) be also liable to the Punishment herein-after specified in each Case: ***Rules of the Road.***

1. Any Person driving any Carriage whatsoever, or riding any Horse or other Animal, who, meeting any other Carriage or Horse or other Animal, shall not keep his Carriage or Horse or other Animal on the Left or Near Side of the Road or Street, or, if passing any other Carriage or Horse or other Animal going in the same Direction, shall not in all Cases where it is practicable go and pass to the Right or Off Side of such other Carriage or Horse or other Animal, shall be liable to a Fine not exceeding Ten Shillings: **Keeping on wrong Side of the Road:**

2. Any Person riding any Horse, and leading any other Horse, who shall not keep such led Horse on the Side farthest away from any Carriage or Person passing him on any public Road or in any Street of a Town, shall be liable to a Fine not exceeding Ten Shillings: **Passing with a led Horse:**

3. Any Person who shall in any Manner wilfully or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Person or Carriage on any public Road or Street, or Crossing, shall be liable to a Fine not exceeding Twenty Shillings: **Obstructing free Passage or Crossings:**

4. Any

Rules of the Road.

Furious driving: Negligent driving:

4. Any Person riding any Horse or Animal, or driving any Sort of Carriage, who shall ride or drive the same furiously on any public Road or Street so as to endanger any Passenger or Person, or who shall by Carelessness or wilful Misbehaviour cause any Injury to any Person or Property on any public Road or Street, shall be liable to a Fine not exceeding Twenty Shillings:

Children under Thirteen Years not to drive.

5. And no Cart, Dray, Waggon, or other such Carriage, and no Hackney Car or Carriage, or Car or Carriage let on Hire, travelling on any public Road or Street, shall be driven by any Person who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Ten Shillings, to be paid by the Owner of such Carriage.

Special Provisions as to Proceedings for Road Offences.

XIV. The Mode of proceeding as to any of the said Offences committed upon public Roads or Streets shall be subject to the following special Provisions:

Constabulary to take cognizance of Offences, and summon Offenders, if known, in any Petty Sessions District where found.

1. The County and Sub-Inspectors, Head and other Constables of the Constabulary Force, shall take cognizance of all such Offences, and shall, in every Case where the Name and Residence of any such Offender is known or can be ascertained, summon him either before the Justices of the Petty Sessions District in which the Offence shall be committed, or before the Justices of any other Petty Sessions District in which such Offender may reside or be at the Time of taking such Proceeding, and such Justices are hereby authorized to hear and determine such Case, either upon the Complaint of such County or Sub-Inspector, Head or other Constable, or of any other Person:

If Name not known, may be arrested.

Proceeding if Offender will not discover his Name.

Horses, Carriages, &c. of Offenders may be detained.

2. Where the Name and Residence of such Offender shall be unknown and cannot be ascertained, he may, with or without any Warrant, be arrested by any such County or Sub-Inspector, Head or other Constable, or any Persons whom he may call to his Assistance; and if any such Person shall refuse to discover his Name, it shall be lawful for the Justice before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to Gaol for any Time not exceeding One Month, or to entertain any Proceeding against him for the Penalty aforesaid by a Description of his Person and Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name; and whenever any Person having charge of any Horse or other Animal, or of any Cart or other Carriage, shall be so taken into Custody by any County Inspector, Sub-Inspector, Head or other Constable, it shall be lawful for such County or Sub-

Sub-Inspector, Head or other Constable, also to take charge of such Horse, Animal, Cart, or Carriage, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof may become liable; and it shall be lawful for the Justices by whom the Case shall be heard to order that, in default of such Penalty, and the Expenses of keeping such Horse, Animal, Cart, or Carriage, being paid, the same shall be sold, for the Purpose of satisfying such Penalty and Expenses, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of the same:

Special Provisions as to Proceedings for Road Offences.

3. It shall be lawful for the County Surveyor or Road Contractor, or any Head or other Constable duly authorized in Writing by any Justice of the County, to remove any of the herein-before mentioned Objects which may be left on any public Road or Street contrary to the Provisions of this Act, at the Expense of the Offender, and it shall be lawful for the Justices at any Petty Sessions of the County, upon Complaint of such Surveyor, Contractor, or Constable, and upon Proof of the Expense incurred, to issue a Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of the Offender:

Justice may order Removal of Nuisances.

4. In every Case where any Hurt or Damage shall have been caused by the Commission of any of the said Offences, the Justices, upon the Hearing of the Complaint, may, in addition to any Penalty herein provided, order the Party offending, or, in case of an Offence by the Driver of any Carriage, the Owner of such Carriage, forthwith to pay for Compensation to the Party aggrieved a Sum not exceeding Forty Shillings (provided such Amount of Damage shall have been proved); and any Sum which shall be so paid by the Owner shall and may in like Manner be recovered by him in a Summary Way before the Justices from the Driver through whose Default such Sum shall have been so paid, upon Proof of the Payment thereof pursuant to the Order of the Justices:

Compensation (not exceeding 40s.) for Damage recoverable before Justices in such Cases.

Owners may recover over against Drivers.

5. Any Summons issued by any Justice, requiring any Owner, Driver, or Guard of any public Stage Carriage to appear before him to answer any Complaint for any such Offence, shall be deemed good and sufficient Service in case the same be left with the known or acting Book-keeper, or with any other Person having the Care of any Office where Places are usually taken or Parcels received for such Carriage.

Summons for the Driver of Stage Carriage left with the Book keeper to be good Service.

CIVIL JURISDICTION.

Possession of small Tenements.

Possession of small Tenements may be recovered by Order of Justices.

XV. The Decision of Claims to the Possession of small Tenements in certain Towns and Villages shall be subject to the following Provisions:

1. Whenever the Term or Interest of the Tenant of any House or of any Part of a House situate in any City, Town, Borough, or Village in which any Fair or Market is usually held, and which shall be held by him for any Term not exceeding One Month, at a Rent not exceeding the Rate of One Pound Sterling by the Month, shall have ended, or shall have been duly determined by a legal Notice to quit, if such Tenant, (or where such Tenant shall not himself occupy the Premises, or only a Part thereof, if the Person by whom the same or any Part thereof shall be occupied,) shall neglect or refuse to deliver up Possession of the same, it shall be lawful for the Landlord of the said Premises, or his known Agent, or for the Receiver of the Rents of his Estate, to cause such Tenant or Occupier to be served with a Summons in Writing, signed by any Justice having Jurisdiction in the Place in which the said Premises shall be situated, to appear before the Justices at the Petty Sessions of the District in which the said Premises shall be situated, to show Cause why Possession of the said Premises should not be delivered up:

Manner in which such Summons shall be served.

Substitution of Service in certain Cases.

2. Such Summons may be served upon such Tenant or Occupier either personally or by leaving the same for him with some Person in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein either by serving the same personally upon him or by leaving the same at his usual Place of Abode Four clear Days before the Day appointed for the Hearing of the Matter of the said Summons; but if the Person so holding over cannot be found, and Admission into the Premises so overheld cannot be obtained, and the Place of Abode of such Person not residing as aforesaid shall either not be known or Admission thereto cannot be obtained, the posting of the said Summons on some conspicuous Part of the said Premises shall be deemed to be good Service upon such Person:

On Proof of Right, Justices may issue Warrant to deliver Possession.

3. If such Tenant or Occupier shall not appear at the Time and Place appointed, or shall appear, but shall not show to the Satisfaction of the Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises to the said Landlord, Agent, or Receiver, it shall be lawful for the Justices, upon Proof

Proof of the Holding, and of the End or Determination of the Tenancy, with the Time and Manner thereof, (and, where the Title of the Landlord shall have accrued since the letting of the Premises, upon Proof of the Right by which he claims the Possession,) to issue a Warrant to the Sub-Inspector of the District within which such Premises shall be situated, or to any other Person as a special Bailiff in that Behalf, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord, Agent, or Receiver, and such Warrant shall be a sufficient Warrant to the said Sub-Inspector or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Posssesion accordingly; but such Entry shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon:

Possession of small Tenements.

4. But if such Tenant or Occupier shall appear before the Justices, and shall give an Undertaking (to be entered in Writing by the Clerk of Petty Sessions) quietly and peaceably to deliver up, within Fourteen Days from the Date thereof, Possession of the Premises of which he shall be such Tenant or Occupier, in good Order and Repair, to such Landlord, Agent, or Receiver, and in the meantime to pay all Rent and Arrears of Rent claimed by such Landlord in respect to such Premises, the Justices shall not issue their Warrant for giving Possession till the Expiration of such Period of Fourteen Days; and if such Tenant or Occupier shall at the Expiration of such Period continue in possession or occupation of the said Premises, save by the Permission of such Landlord, Agent, or Receiver, it shall be lawful for the Justices, at the Instance of such Landlord, Agent, or Receiver, to issue a Warrant for giving Possession of the same as aforesaid, and such Warrant shall be executed forthwith, without further Notice to such Tenant or Occupier:

If Party summoned undertakes to deliver up Possession and pay Arrears of Rent in 14 Days, no Warrant to issue till the Expiration of that Period.

If Party continues in possession at the End of the 14 Days, Justices may issue Warrant without further Notice.

Provided always, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant to deliver Possession of any such Premises shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

But Act not to protect Persons who have no legal Right.

XVI. The

Master and Servant.

XVI. The Decision of certain Disputes between Employers and the Persons employed by them shall be subject to the following Provisions:

Justices may order Payment of Sums due: For Wages:

1. It shall be lawful for the Justices to hear and determine any Disputes concerning any Sums which shall be due for Wages by any Master to his Apprentice, or by any Employer to any Artificer, Labourer, Servant, or other Person employed by him to do any Species of Work or Labour whatsoever (whether he shall find Materials for the Performance of the same or not, and whether such Wages shall be due in respect to any Day's Work or to any Labour done or performed by Task, Job, or Contract); or which shall be due by any Person for the Hire of any Horse, Ass, Mule, Bullock, or other Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle drawn by any such Animal for the Purpose of any labouring Work, (and not being for the Carriage of any Passenger or Passengers,) or for the Hire of any Boat for the Purpose of any labouring Work (and not being for the Carriage of any Passenger or Passengers), and whether such Hire shall be by the Day or by Contract or otherwise; or which shall be due to any Schoolmaster or Teacher for the teaching of any Child in any School or other Place, and whether the Engagement shall be for a Payment by the Day or for any other Period, or in any other Manner (provided that the Amount of the Demand for such Wages, Hire, or Tuition, in any of such Cases, whether originally greater or not, shall not exceed Ten Pounds); and to make such Order as they shall see fit for Payment of such Sums as shall appear to be justly due to the Complainant by his Master or Employer, or, in case of any Sum claimed for the teaching of any Child, by the Parent or other Person who shall have engaged the Complainant to teach such Child:

For the Hire of Horses, Carts, &c.:

For Tuition:

(The Demand not exceeding 10*l.*)

Justices may award further Sum to Servants, &c. as Compensation (not exceeding 40*s.*) for Loss of Time in recovering Wages.

2. Whenever it shall appear to the Satisfaction of the Justices that any Schoolmaster, Teacher, Servant, Artificer, Labourer, or other Person so employed as aforesaid has been or is likely to be detained from his Home or usual Place of Residence, or has suffered or is likely to suffer any additional Loss by reason of the Nonpayment of any Sum which such Justices shall so adjudge to be due to him, it shall be lawful for such Justices to order that there shall be paid to him by such Master or Employer, not only the Sum so due to him, but also such further Sum as Compensation, not exceeding the Sum of Forty Shillings for the Time during which he shall have been so detained from his usual Place of Residence, or for the Loss suffered or likely

likely to be suffered, as such Justices shall think to be reasonable, having regard to the Length of such Detention, the Diligence or Remissness of either Party, the usual Earnings of such Schoolmaster, Teacher, Servant, Artificer, Labourer, or Person, and the Sum which within the Time of such Detention he did earn, or under all the Circumstances of the Case might have earned: *Master and Servant.*

3. In every Case where any such Master or Employer shall intrust his Business to the Management and Superintendence of any Steward, Agent, Bailiff, Foreman, or Manager, it shall be lawful for the Justices to summon such Steward, Agent, Bailiff, Foreman, or Manager to appear at Petty Sessions, and to hear and determine the Matter of the Complaint in such and the like Manner as Complaints of the like Nature against any Master or Employer, and to make an Order for the Payment by such Steward, Agent, Bailiff, Foreman, or Manager, to the Complainant, of such Sum or Compensation as shall be justly due to him; and in case of Refusal or Nonpayment of any such Sum or Compensation at such Time as shall be directed by such Justices it shall be lawful for them to issue a Warrant to levy the same by Distress and Sale of the Goods of such Master or Employer: **How Servants, &c. shall recover their Wages in Cases of Absence of Masters, &c.**

4. Whenever any Servant, Artificer, Labourer, or other Person shall engage, by an Agreement in Writing signed by both Parties, with any Person, to serve him at any Time and in any Manner, and he shall not enter into or commence his Service according to such Agreement, or whenever having entered into any Service under any Agreement, whether in Writing or not, he shall absent himself before the Term specified in such Agreement shall be completed, or shall neglect to fulfil the same, or shall be guilty of any Misconduct or Misdemeanor in the Execution of the same or in any way respecting the same, it shall be lawful for the Justices to hear and determine such Complaint as may be made against him by his Employer, or by the Steward, Manager, or Agent of his Employer, and if it shall appear that he has not fulfilled his Agreement, or has been guilty of any Misconduct in respect to the same, to impose upon him a Fine not exceeding the Sum of Five Pounds, and in default of Payment of such Fine to commit him to Gaol for any Term not exceeding Three Months, and to abate the whole or a Part of his Wages, and to discharge him from his Agreement or Service, by Writing under their Hands, if they shall see fit: **Justices may punish Servant, &c. for not observing Contract.**

5. Any Servant or other Person who shall hire or engage with any Master or other Person under any false or forged Discharge or **Justices may punish Servants, &c. for hiring under**

false Discharges.

or Certificate of Character, shall be liable to forfeit all the Wages which shall be due to him by such Master or Person at the Time of his Conviction, and shall also be liable to a Fine not exceeding Five Pounds, and in default of Payment to be imprisoned for a Term not exceeding Three Months.

Fairs and Markets.

Justices may make Awards as to Disputes at Sales in Fairs and Markets (where Value does not exceed 5*l.*)

XVII. The Decision and Regulation of certain Matters relating to Fairs and Markets shall be subject to the following Provisions:

1. Whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market, (and which shall not be of a greater Value than Five Pounds,) it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, (upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose,) or to adjourn the hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justice or the Justices at such Petty Sessions, having examined into the said Complaint upon the Oath of either of the Parties or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions:

Justices to appoint Stands for Cars, &c.;

2. It shall be lawful for the Town Commissioners acting under an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, and for the Commissioners acting under any other Local or Special Acts giving them like Powers in their respective Towns not being Corporate Towns, and for the Justices at Petty Sessions in other Market Towns, not being Corporate Towns, from Time to Time to appoint, by Order in Writing, such Place or Places in such Towns as they shall think fit for any Public or Hackney Car or Carriage to stand in for Hire;

and make Regulations as to Thoroughfares in Markets.

and also to make (and vary from Time to Time) such Regulations as they shall see fit for keeping or causing to be kept free and clear from Obstruction all Passages or Thoroughfares in and through the said Markets, and for keeping or causing to be kept all said Markets, and all Passages therein and thereto, clear and free from any Dirt or Nuisances of any kind whatever, and for preventing all Indecencies being committed therein; provided that no such Regulations shall interfere with or impede the due Accommodation of Persons lawfully exposing Goods or Wares for Sale therein; and it shall be lawful for the said Town Commissioners or Justices, as

as the Case may be, to give due Notice of such Regulations, by causing the same to be painted on a Board, and affixed in some conspicuous Place in any such Market, in like Manner as Schedules of Tolls and Customs in Markets are now required by Law to be affixed:

Fairs and Markets.

And any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified:

Punishment for Offences against these Provisions:

3. Any Person who shall offend against any of the said Regulations, by exhibiting Goods or Wares in any such Market in any Place other than that appointed for the Sale of the same, or by refusing to remove the same when required so to do, or by obstructing the Passages or Thoroughfares in and through such Market, or by placing or leaving any Impediment of any kind therein, or by leaving or causing to be left any Dirt or Nuisance of any kind therein, or who shall commit any Indecency in said Market or in the Passages thereto, shall be liable to a Fine for a First Offence not exceeding Five Shillings, and for a Second Offence not exceeding Ten Shillings:

Breaking through the Regulations, &c.

4. Any Person who shall, within any City, Borough, or Market Town in *Ireland*, or within a Quarter of a Mile from the Boundary thereof, cause any Cart, Dray, Waggon, or other such Carriage, or any Public or Hackney Car or Carriage, to stand in any public Road or Street longer than may be reasonable or necessary for loading or unloading, or for taking up or setting down Passengers, (except any Cart, Dray, Waggon, or other such Carriage lawfully standing in any Place customarily used for such Purpose in any public Market or Fair, and except any Public or Hackney Car or Carriage standing for Hire in any Place which shall be fixed as a Standing for that Purpose in manner aforesaid,) shall be liable to a Fine not exceeding Twenty Shillings.

Obstructing Streets or Market Places.

XVIII. The Decision and Regulation of certain Matters relating to Weights and Measures shall be subject to the following Provisions:

Weights and Measures.

1. Such Head or other Constables in each Petty Sessions District as shall be selected by the County Inspector of Constabulary, with the Approval of the Justices for that Purpose, shall henceforth be *ex officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, except the Power of adjusting and stamping with the County Stamp, and be subject to the like Penalties for any Neglects or Offences in the Discharge of such Duties, which any Inspector of Weights and Measures may possess or exercise, or be liable to, under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth,

Head Constable shall be Inspector of Weights and Measures.

Weights and Measures.

Fourth, Chapter Sixty-three, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within such District:

Grand Jury may provide Sub-Standard Weights and Measures;

2. It shall be lawful for the Grand Jury of each County from Time to Time to procure as many Copies, in Iron or other sufficient Material, of the County Copies of the Imperial Weights and Measures, as they shall see fit, and to direct that the same shall be duly stamped by such Sub-Inspector as the said Grand Jury shall appoint for that Purpose, with the Approval of the said Inspector General; and the said Copies shall be called the County Sub-Standard Weights and Measures, and shall be deposited in the Custody of the said Head or other Constables, so as to enable them the more easily to discharge the Duties of Inspectors of Weights and Measures; and shall, at least once in every Year, and also at any other Times when required by the County Inspector of Constabulary of the County or by the Justices at Petty Sessions, be compared with and corrected by the said County Standard Weights and Measures, by the said Sub-Inspector of Constabulary so to be appointed as aforesaid, who shall adjust the same, and also affix the County Stamp thereto; and such Copies so adjusted and stamped shall, until the next Comparison of the same, to be made in manner aforesaid, be considered to all Intents the same as the said County Standard Weights and Measures, for all Purposes of Comparison and Verification, and for all other Purposes for which such County Standard Weights and Measures are required under the Provisions of the said recited Act, by any Inspector of Weights and Measures; and it shall be lawful for the said Grand Jury to present the Amount of such Expenses as shall be incurred either in the procuring or Transmission of such Copies of the Weights and Measures, and also of such reasonable and necessary Expenses as shall be incurred by any such Sub-Inspector, Head or other Constable, in carrying these Provisions into effect; and such Sums so presented shall be levied off the County in like Manner as any other Sums presented by such Grand Jury; and any Person who shall use the said Copies for any other Purpose shall be liable to a Fine not exceeding Five Pounds for every such Offence:

and may present Expenses.

Punishment for false Weights and Measures.

And any Person who shall use any Weight or Measure, other than those authorized by the said recited Act, for the Sale of any Article, shall on Conviction thereof be liable to a Fine not exceeding Five Pounds, and, in default of Payment thereof, to be imprisoned for a Period not exceeding Two Months; and any Contract, Bargain, or Sale

Sale by any fraudulent Weights or Measures so used shall be void; and every such light or unjust Weight or Measure so used shall, on being discovered by any such Head or other Constable as aforesaid, be seized by him, and upon the Conviction of the Person so using or possessing the same shall be forfeited, and forthwith destroyed.

Impounding Distresses.

XIX. The Decision and Regulation of certain Matters relating to the Establishment and Use of Pounds for the impounding of Distresses, or of Animals found trespassing, wandering, or straying, shall be subject to the following Provisions:

Establishment of Pounds.

1. It shall be lawful for the Justices of each Petty Sessions District, whenever there shall be no Pound or an insufficient Number of Pounds established therein, to authorize the Establishment of such Pound or Pounds in such Place or Places in such District (not being within any Manor in which a Manor Pound shall have been already established) as they shall think necessary; and it shall be lawful for the Grand Jury of the County, upon the Requisition of any Three or more of such Justices, to present such Sum, not exceeding Ten Pounds, as they shall think fit, (to be levied off the County in like Manner as any other Sums presented by the Grand Jury,) for the Erection, part Erection, or Repair of any Pound, upon such Condition as they shall fix as to the Keeper of such Pound paying to the Treasurer of the County, for the Use of the County, any Sum not exceeding Forty Shillings as an annual Rent for the same; and it shall be lawful for the said Justices from Time to Time to appoint some fit Person to be the Keeper, during their Pleasure, of any Pound upon which any Sum so presented shall have been expended:

Grand Jury may present Expense of erecting or repairing Pounds.

Justices to appoint Keeper of County Pounds.

No Persons to act as Pound Keepers unless when licensed by the Justices.

2. It shall not be lawful for any Person to act as the Keeper of any Pound now or hereafter to be established, (except of a Manor Pound,) unless he shall be authorized so to act by the Justices of the Petty Sessions District in which such Pound shall be situated, by Licence in Writing signed by any Two or more of them, and which Licence such Justices are hereby authorized to give, and also from Time to Time to withdraw in case of the Neglect or Misconduct of such Person: Provided always, that every Pound so to be licensed shall be of such Area as the said Justices shall think fit, and that the Walls thereof shall be at least Seven Feet high, and securely built, either of Stones or Bricks, or of such other Material as the said Justices shall think sufficiently substantial:

Pound Keeper to enter into Recognizance.

3. Any Person so licensed shall, before acting as such Pound Keeper, enter into Recognizance (in like Form and Manner as any Clerk of Petty Sessions is required to do under the said

Impounding Distresses.

said Petty Sessions Act), himself in such Sum not less than Ten Pounds, with Two Sureties in such Sum not less than Five Pounds each, as the Justices shall fix, conditioned for the due Discharge of his Duties as Pound Keeper under this Act, and shall from Time to Time renew the same when required by such Justices:

Pound Fees to be as follows.

4. Every Pound Keeper shall be entitled to receive from the Person by whom any Animal shall be impounded in such Pound, or from the Owner when such Animal shall be delivered up to such Owner by proper Authority, the following Pound Fees:

For any One Horse, Mare, Mule, or Horned Beast, for any Time not exceeding Seventy-two Hours -	6*d.*
And for any greater Number of same, for same Period, each - - - - -	3*d.*
And if impounded for longer than Seventy-two Hours, One Half of the above Sums for every additional Seventy-two Hours:	
For any One Sheep, Calf, Lamb, Goat, or Pig, for any Period not exceeding Seventy-two Hours -	2*d.*
And for any greater Number of same, for the same Period, each - - - - - -	1*d.*
And if impounded for longer than Seventy-two Hours, One Half of the above Sums for every additional Seventy-two Hours:	

Rates of Sustenance to be fixed by Justices.

He shall also be entitled to demand and receive from the like Owner or Person, as the Case may be, such Sum for the Sustenance of any such Animals, for the Time during which they shall be so impounded, as the said Justices shall fix as the proper Rates of Sustenance for Animals impounded in such Pound, and which they are hereby required to do by Writing under their Hands:

Tables of Fees and Rates to be posted.

5. The Pound Keeper shall post, and continue posted, in a conspicuous Place on or close to his Pound, a Table of the Scale of the Pound Fees authorized by this Act, and also a Table of the Rates which shall be so fixed by the Justices for the Sustenance of Animals impounded therein:

No Animals to be impounded in any other than a licensed Pound or Manor Pound, except in Cases of Emergency.

6. No Animals (except in Cases of Distresses for Rent) shall be impounded in any other Place than in the nearest Pound of the County so licensed (or in the Pound of the Manor), unless where any Assault shall be threatened or made upon the Person impounding or proceeding to impound any Animal, or where any Rescue of such Animal shall be attempted or threatened, and the impounding in any other Place shall be necessary for the Detention of such Animal, or the Safety of such Person:

7. When-

Impounding Distresses.

Notice of impounding to Owner, &c.

7. Whenever any Animal shall be impounded in any Pound the Person by whom such Animal shall be impounded shall at the Time give Notice to the Pound Keeper, and also to the Owner of such Animal (when known), specifying the Parish and Townland in which such Animal shall have been seized, and the Reasons for impounding the same, and when given to the Owner, he shall specify the Pound in which such Animal shall have been impounded.

Public Notice of impounding straying Animals to be given by Pound Keeper and Constabulary.

8. And whenever any Animal found wandering or straying shall be impounded in any Pound, the Pound Keeper shall immediately give a Notice to the Sub-Inspector, Head or other Constable, of the nearest Constabulary Station, describing such Animal, and stating the Parish and Townland where such Animal shall have been seized (unless where such Animal shall have been impounded by any Member of the Constabulary Force), and such Sub-Inspector, Head or other Constable, shall post such Notice (or a like Notice when the Animal shall have been impounded by any Member of the Constabulary Force), and keep the same posted at such Station until such Animal shall be claimed or otherwise disposed of according to Law; and whenever the Owner of such Animal cannot be discovered, it shall be lawful for the Justices of the Petty Sessions District, upon being satisfied that all possible Means have been adopted for the Discovery of the Owner, and that he cannot be discovered, to direct that the same shall be sold by the Sub-Inspector of Constabulary of the District in like Manner as any Animal may be sold under any Warrant of Distress (due Notice of such Sale, and of the Parish and Townland where such Animal shall have been seized, having been previously posted by such Sub-Inspector at the Constabulary Station, and also in some conspicuous Place in the Parish where such Animal shall have been seized, and also at the Place where impounded, Forty-eight Hours at the least before the Time of Sale); and the Proceeds of such Sale, after paying to the Keeper of the Pound the Amount due to him for Pound Fees, and for the Rates of Sustenance of such Animal, shall be paid over to the Treasurer of the County, to the Credit of the County, in any Case when the Grand Jury of such County shall have presented any Sum for the Erection of any Pound therein, but when no Sum shall have been so presented such surplus Proceeds shall be applied in like Manner as any Penal Sums payable to the Crown, or, with the Consent of the Chief or Under Secretary to the Lord Lieutenant, may be applied by the said Justices in the Erection or Repair of any Pounds within the Petty Sessions District.

When Owner of straying Animal is not known, it may be sold.

Notice of Sale to be posted.

How Produce of Sale to be applied.

And

Impounding Distresses.

Punishment for Offences against these Provisions: Pound Keepers acting without Authority, or before entering into Recognizance, or not keeping Pound clean, &c., or demanding more than legal Fees, or omitting to post Tables or give Notices, or liberating without Authority, &c.

And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to the Punishment herein-after specified:

9. Any Pound Keeper who shall act as such without being duly authorized by the Justices, and without having duly entered into a Recognizance in manner aforesaid, or who shall neglect to keep such Pound clean and well supplied with wholesome Water, and in such a secure and wholesome State as shall insure the due forthcoming and Health of the Animals impounded, or who shall demand or receive any Sum for the Keeping or Sustenance of any Animals in such Pound greater than the Sums fixed by this Act or by the Justices as aforesaid, as the Case may be, or who shall neglect to feed any Animal impounded in such Pound, or who shall omit to post in a conspicuous Place any such Table or Notice, or to give any such Notice, as is directed by this Act, or who shall without due Authority liberate or permit to be liberated from such Pound any Animal impounded therein, or who shall refuse or neglect, when required by the Justices, to give up to them any Pound built in the whole or in part at the Expense of the County, shall be liable to a Fine not exceeding Ten Pounds:

Persons rescuing Distresses, or injuring Pounds, or liberating Distresses:

10. Any Person who shall rescue or attempt to rescue any Animal out of any such Pound or out of any other Place in which any Animal shall be impounded for greater Safety, under the Circumstances herein-before mentioned, or who shall break down or injure any such Pound or Place, or do any Act by means of which any Animal impounded therein shall escape or be unlawfully liberated therefrom, shall be liable to pay the Amount of the Injury done, and also a Fine not exceeding Ten Pounds; but in every Case of the Commission of any such Offence in rescuing or attempting to rescue any Distress, or in breaking or injuring any Pound, the Justices shall, if they shall so think fit, abstain from adjudicating summarily thereon, and deal with the same as a Case to be tried by Indictment at the Assizes or Quarter Sessions:

But such Offences may be sent for Trial by Indictment.

Any Person impounding elsewhere than in licensed Pound, or omitting to give Notice of impounding, or injuring Distresses.

11. Any Person who shall impound any Animal, (except in Cases of Distresses for Rent,) in any other Place than in a Manor Pound, or in such Pound as shall be licensed under the Provisions of this Act (except under the Circumstances herein-before mentioned), or who shall omit to give such Notice to the Pound Keeper or to the Owner of any Animal impounded as is required by this Act, or who shall wilfully damage or injure any Animal while driving or conveying the same to any Pound, shall be liable to a Fine not exceeding Five Pounds:

Provided

Provided always, that nothing herein contained shall interfere with the Right of any Lord of a Manor to establish or continue any Manorial Pound for the impounding of Distresses made in such Manor which he is now by Law entitled to establish or continue, or to appoint from Time to Time any Person to be Keeper of such Pound; but the Regulation of such Pound, and the Duties of such Pound Keeper, shall in all other respects be subject to the Provisions of this Act, in like Manner and to the like Extent as any Pound established or any Pound Keeper licensed by the Justices at Petty Sessions in manner aforesaid.

But no Interference with Establishment, &c. of Manor Pounds.

XX. The Decision and Regulation of certain Matters relating to the Trespass of Animals shall be subject to the following Provisions:

Trespass of Animals.

1. It shall not hereafter be lawful to impound any Animal found trespassing upon any Land when the Owner of such Animal shall be known, but the Occupier of such Land or the Person by whom such Animal shall be found trespassing shall either deliver up such Animal to the Owner, or to his Steward, Herdsman, Caretaker, or other Servant, or he shall show such Animal in the Act of trespassing to such Owner, Steward, Herdsman, Caretaker, or other Servant, and allow such Animal to be taken away by him; and the Owner of such Animal shall thereupon be liable to pay to the Occupier of such Land the Rate of Trespass fixed by the following Scale (or according to such Scale as the Justices at Quarter Sessions shall from Time to Time fix, and which they are hereby authorized to do if they shall see fit):

No impounding when Owner of Animals is known; but Occupier of Land to deliver up Animals found trespassing to their Owner, and shall then be entitled to the following Rates of Trespass.

Where the Trespass shall be on any Common Pasture Land, or on any arable uncropped Land, the Rate shall be:

	s.	d.
For every Horse, Mare, Pony, Mule, Ass, Bull, Cow, Bullock, Heifer, or Pig - - -	0	6
For every Calf, Sheep, or Lamb - -	0	2
For every Goose - - - -	0	1
For every other Fowl - - -	0	0½
For every Goat - - - -	3	0

And where the Trespass shall be upon any Fattening Pasture or Meadow Land, or upon any Land cropped with Corn, Peas, Flax, Vetches, Turnips, Rape, Potatoes, Green Crop, or other cultivated Vegetable, or by any Goat in a Plantation, the Rates shall be double the Amount of the preceding Rates:

2. But when the Owner of any such Animal shall not be known, it shall be lawful for the Occupier of such Land, or for his Servant, or for any other Person on his Behalf, to impound such Animal in the nearest Pound of the County, (or in the Pound of the Manor,) specifying in the Notice which he is required to give

But when Owner of Animal is not known, it may be impounded.

Trespass of Animals.

Pound Keeper to deliver up Animal to Owner, on Authority of Justice, on Payment of Rates, &c.

give to such Pound Keeper (under the Provisions hereinbefore contained relating to the impounding of Animals) the Nature of the Land or Crop in which such Animal shall have been found trespassing; and such Pound Keeper shall afterwards deliver up such Animal to the Owner, if known, or to any Person on his Behalf, either upon being so authorized in Writing by any Justice, or upon being paid by such Owner or Person the Amount legally due for Pound Fees and Rates of Sustenance, and also the Amount due under the above Scale of Rates, for a Trespass on any Land or Crop of the Nature specified in such Notice; and such Pound Keeper shall thereupon pay over the Amount of such Rate of Trespass to the Person by whom such Animal shall have been impounded, unless when required by any Justice, or by such Occupier by Notice in Writing, to hold over the same until any Dispute as to the same shall have been decided at Petty Sessions:

Pound Keeper to pay over Rates of Trespass, except in certain Cases.

When Parties are not satisfied Justices to investigate the Case and award the legal Rates, (whether actual Damage proved or not), unless in case of Neglect of the Occupier of the Land; First Trespass, Second Trespass, &c.

3. Whenever either the Occupier of such Land or the Owner of such Animal shall not be satisfied with the Amount of such Rates (whether paid at the Time or not), it shall be lawful for the Justices at Petty Sessions, upon Complaint of such Occupier or Owner, to investigate the Case, and to make such Award against either Party as shall seem just, under all the Circumstances; and the Principle upon which they shall make such Award shall be, that the Owner of such Animal shall be deemed liable to pay to such Occupier the above Rate for a First Trespass, and double the above Rate for a Second Trespass, and treble the above Rate for a Third or subsequent Trespass, (whether any actual Damage shall have been done or not,) unless they shall be satisfied that such Trespass was caused by any neglectful Conduct on the Part of such Occupier, or that there are any other justifying Circumstances, in which Case they may declare him to be entitled either to no Rates or to a Part only of the Rates; and in any Case where any actual Damage shall have been done by such Trespass, it shall be lawful for the Justices to award a like Payment of such further Sum as, together with any Rates awarded, shall be equal to the Value of such Damage as shall be proved to their Satisfaction to have been actually caused by such Trespass; and in making any such Award the Justices shall allow Credit to the Owner of such Animal, for the Amount of any Rate of Trespass paid by him at the Time, or where they shall award either no Rates or a lesser Amount than any Sum so paid at the Time, they may order that the whole or a Part of such Sum, as the Case may be, shall be refunded to such Owner:

but in case of actual Damage done, may award Compensation.

Justices may allow Credit for, or order refunding of any Rates already paid, according to the Case.

4. Whenever

4. Whenever it shall appear, in any Case in which any Complaint of Trespass shall be so made, that the Trespass shall have been caused by the bad or imperfect State or Destruction of any Fences, it shall be lawful for the Justices at Petty Sessions by Order in Writing to direct that the Occupier of the Land to which such Fences shall belong shall repair the same when wholly on his Land, or join in repairing the same when partly on his Land, within such reasonable Time as they shall fix for that Purpose; and in default of his so doing within such Time, it shall be lawful for such Justices, by a like Order in Writing, to authorize such Fences to be repaired by the Person who shall have been aggrieved by any such Trespass, who may thereupon enter and repair the same; and afterwards, upon Proof of the Expenses incurred by such Person in making such Repairs beyond what he may be himself bound to expend in case of Fences common to both Parties, it shall be lawful for such Justices to order that the same shall be paid (to any Amount not exceeding Two Shillings per Perch) by such Occupier, unless it shall be shown that the Person under whom such Occupier shall hold is bound by any Lease or Agreement to keep such Fences in repair, in which Case such Amount shall be paid by such Person; and in default of such Payment it shall be lawful for such Justices to order that such Amount shall be levied by Distress of the Goods of such Occupier or Person, as the Case may be, and paid over to the Person by whom such Repairs shall have been made.

Justices may order Repair of Fences by Person who ought to repair the same.

And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to a Fine not exceeding Five Pounds:

Punishment for Offences against these Provisions:

5. Any Person who shall impound any Animal found trespassing, where the Owner of such Animal shall be known to him, or who shall impound any Animal without giving to the Pound Keeper the Notice required by this Act:

Any Person impounding, when Owner is known, or without lodging proper Notice.

6. Any Pound Keeper who shall neglect or refuse to deliver up any Animal so impounded to the Owner, when authorized in Writing by any Justice so to do, or upon such Owner paying to him the Amount of the Pound Fees and Rates of Sustenance legally due and the Amount legally due for the Trespass, or who shall neglect (except when any Justice shall authorize him to hold over the same until the Decision of any Dispute as to the same at Petty Sessions) to pay over to the Person entitled to receive the same the Amount which shall be paid to him for the Trespass upon the Liberation of any such Animal:

Pound Keeper neglecting to liberate Animals, or to pay over Amount received.

Provided always, that in all such Proceedings under this Act it shall be lawful for the Justices to adopt such Means as they shall see fit, either

Justices may adopt such Means of

Proof as they shall see fit.

either by the Employment of a Valuator or Arbitrators or otherwise, for the Purpose of informing themselves as to the Amount of any Damage done, or as to any other Circumstances proper to be inquired into on the Spot, or as to any other Facts of the Case upon which they shall be required to decide; and they may (if they shall think it necessary) order the Parties or either of the Parties to pay to any Person so employed such reasonable Sum as they shall fix, not exceeding Two Shillings and Sixpence *per* Day, as Remuneration for his Trouble.

General Provisions.

The Justices may discharge the Offender, in certain Cases.

XXI. Where any Person shall be convicted of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justices, if they shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs or either of them, as shall be ascertained by the Justices.

Pardon for Nonpayment of Money.

XXII. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

In what Cases Appeals shall be permitted;

to be made to next Quarter Sessions of Division, or to Recorder's next Sessions.

XXIII. In any Case where an Order shall be made under the Provisions of this Act for the Payment of any penal or other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for doing anything at a greater Expense than Twenty Shillings, (but in no other Case,) either Party, (whether he shall be the Complainant or Defendant,) in Cases of a Civil Nature, or the Person against whom any such Order shall have been made in other Cases, shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County when the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder at his next Sessions when the Order shall be made by the said Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner and with such Notices as are required by the said Petty Sessions Act as to Appeals against Orders

Quarter Sessions, &c. may decide Appeal;

Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Act as to making Appeals, and as to executing the Orders made on Appeal or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

subject to the Provisions of the Petty Sessions Act as to Form, Notices, &c.

XXIV. No Order made under the Provisions of this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

No Order or Adjudication made on Appeal shall be quashed for Want of Form.

XXV. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town;" the Word "Justice" shall mean "Justice of the Peace," and shall include a "Divisional Justice" of the Police District of *Dublin* Metropolis, or "Chief Magistrate" of any Corporate Town; the Word "County Surveyor" shall include and mean any District Surveyor in the County of *Dublin;* the Word "Petty Sessions" shall include a "Divisional Police Office" of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" of the County to which any Person may be legally committed by any Justice; the Word "Oath" shall include "Affirmation" or "solemn Declaration," as the Case may be; the Word "Month" shall mean "Calendar Month;" the Word "Road" shall include "Highway" or other public Thoroughfare, and "Street" shall include any Lane or Passage in any Town; and the Word "Horse" shall include any other Animal of any Kind commonly used or employed in drawing any kind of Carriage.

Interpretation Clause.

XXVI. From and after the Commencement of this Act the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, together with all other Acts and Parts of Acts inconsistent with the Provisions of this Act, except as to any Offence committed before the passing of this Act, or any Proceedings now pending to which the same or any of them are applicable; that is to say,

Repeal of certain Acts.

An Act passed in the Tenth Year of the Reign of King *Charles* the First, Chapter Twenty-five, intituled *An Act for impounding of Distresses:* — 10 C. 1. c. 25.

An Act passed in the Thirty-seventh Year of King *George* the Third, Chapter Twenty-seven, relating to the Trespass of Animals: — 37 G. 3. c. 27.

An Act passed in the Fortieth Year of King *George* the Third, Chapter Seventy-one, relating to the Trespass of Animals: — 40 G. 3. c. 71.

5 G. 4. c. 43. An Act passed in the Fifth Year of the Reign of King *George* the Fourth, Chapter Forty-three, intituled *An Act to amend and render more effectual an Act made in the Tenth Year of the Reign of King* Charles *the First, for impounding of Distresses in* Ireland:

7 G. 4. c. 42. An Act passed in the Seventh Year of King *George* the Fourth, Chapter Forty-two, relating to the Trespass of Animals:

13 & 14 Vict. c. 102. An Act passed in the Thirteenth and Fourteenth Years of Her present Majesty, intituled *An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise summary Jurisdiction in* Ireland:

But the Repeal of the last-mentioned Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter One hundred and two, shall not be deemed to revive any of the Acts or Parts of Acts repealed thereby; that is to say,

5 G. 2. c. 12. *An Act to prevent the throwing or firing of Squibs, Serpents, and other Fireworks:*

11 G. 3. c. 7. s. 1. So much of an Act passed in the Eleventh Year of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violence to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions:

27 G. 3. c. 53. An Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for preventing the wilful Destruction of Turnpike Gates, and for the better securing the Payment of Tolls at such Gates:*

49 G. 3. c. 84. s. 30. So much of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for amending the* Irish *Road Acts,* as relates to the Mode in which Carriages and Persons shall pass each other on any public Road:

50 G. 3. c. 32. An Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act to repeal certain Parts of several Acts of the Parliament of* Ireland, *so far as relates to the limiting the Number of Persons to be carried by Stage Coaches or other Carriages, and for enacting other Limitations in lieu thereof, and for other Purposes relating thereto:*

54 G. 3. c. 116. An Act passed in the Fifty-fourth Year of King *George* the Third, intituled *An Act to repeal the several Laws for Recovery of small Sums due for Wages in* Ireland, *and to make other Provisions for Recovery of such Wages:*

58 G. 3. c. 82. An Act passed in the Fifty-eighth Year of King *George* the Third, intituled *An Act to prevent Frauds in the Sale of Grain in* Ireland:

An

Summary Jurisdiction (Ireland).

An Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others*, so far as relates to *Ireland*: 4 G. 4. c. 34.

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 55.

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating the Laws in* Ireland *relative to malicious Injuries to Property*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 56.

So much of an Act passed in the Tenth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the Person*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 10 G. 4. c. 34.

An Act passed in the Fourth and Fifth Years of King *William* the Fourth, intituled *An Act to amend an Act passed in the Forty-ninth Year of the Reign of King* George *the Third, for amending the* Irish *Road Acts*: 4 & 5 W. 4. c. 50.

So much of an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 6 & 7 W. 4. c. 116.

So much of an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 7 & 8 Vict. c. 106.

So much of an Act passed in the Eleventh and Twelfth Years of the Reign of Queen *Victoria*, intituled *An Act to amend the Law of Imprisonment for Debt in* Ireland, *and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain Cases*, as relates to the Recovery of the Possession of small Tenements: 11 & 12 Vict. c. 28.

An Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland: 11 & 12 Vict. c. 59.

An

7 & 8 Vict. c. 8. An Act passed in the Seventh Year of Her Majesty, intituled *An Act to facilitate the Recovery by summary Process of small Sums due to the Teachers of Schools in* Ireland:

12 & 13 Vict. c. 15. An Act passed in the Twelfth Year of Her Majesty, intituled *An Act to amend an Act of the Fifty-fourth Year of King* George *the Third, for the Recovery of small Sums due for Wages in* Ireland:

12 & 13 Vict. c. 30. An Act passed in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act for the better Preservation of Sheep and more speedy Detection of Receivers of stolen Sheep in* Ireland.

Commencement of Act. XXVII. This Act shall commence and take effect on the First Day of *November* in the Year of our Lord One thousand eight hundred and fifty-one.

Act to extend to Ireland only. XXVIII. This Act shall extend and be construed to extend to *Ireland* only.

Short Title of Act. XXIX. In citing this Act in other Acts of Parliament, or in any legal Instrument or Proceedings, it shall be sufficient to use the Expression "The Summary Jurisdiction (*Ireland*) Act, 1851."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Sessions may revise them, proceeding as follows:

to do either by the Lord Lieutenant or by a Requisition signed by any Seven or more of the Justices of any County or Riding, they shall proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to revise the said Districts, Places, and Times, subject to the following Provisions:

To divide the County into Petty Sessions Districts:

1. They shall divide such County or Riding into convenient Petty Sessions Districts for the Purposes of this Act, and shall declare the several Parishes or Townlands of which each of such Districts shall consist; and in so doing it shall be lawful for them, with the Concurrence of the Justices of any adjoining County assembled at any like Quarter Sessions, or at any Adjournment of the same, to include in any of such Districts any Townlands of such adjoining County, where it shall be conducive to the Public Convenience, and where no Part of such Townlands shall be at a greater Distance than Seven Miles from the Place where Petty Sessions shall be held for the District to which same shall be annexed:

Parts of an adjoining County may be included:

To fix Place for holding Petty Sessions:

2. They shall also fix some One convenient Place within each District at which Petty Sessions shall be held for the same:

To fix Frequency of holding Petty Sessions:

3. They shall also fix the Times when Petty Sessions shall be regularly held in each District; but it shall be lawful for the Justices of each District afterwards to fix the particular Days in each Week upon which such Petty Sessions shall be held:

The Clerk of the Peace to enter all Particulars of any Alterations in the Crown Book, and transmit Copy to Secretary of Grand Jury.

And whenever any of the said Districts, Places, and Times shall have been so fixed or altered, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes, (and in the County of *Dublin* at the then next ensuing Presentment Term,) and the same shall be printed with the Presentments: Provided always, that when it shall appear to such Justices at Quarter Sessions that such Alteration is required, or whenever a Requisition for the Consideration of an Alteration shall be received from the Lord Lieutenant, or from Seven or more Justices as aforesaid, the Clerk of the Peace of the County shall transmit a Notice in Writing of the intended Consideration of such Alteration to every Justice of the County or Riding, as the Case may be, and such Notice, stating the Time and Place appointed for the Consideration of such Alteration, shall be transmitted at least One Month before the Time so appointed.

Appointment of Clerk.

Districts being formed,

II. It shall be lawful for the Justices of each Petty Sessions upon the passing of this Act, or whenever afterwards any Vacancy shall occur by reason

reason of the Death, Resignation, or Dismissal of any Clerk, to appoint some One fit Person to act as Clerk of such Petty Sessions; but previous to entering upon the Duties of the said Office the said Clerk shall enter into a Recognizance (Form C.), before some Justice of the County, conditioned for the due Discharge of the several Duties required of him under the Provisions of this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct.

Justices to appoint a Clerk.

Clerk to give Security by Recognizance;

III. The said Clerk of Petty Sessions shall be entitled to demand and receive, from the Persons at whose Instance the several Proceedings by or before any Justice or Justices shall be taken, the following Fees in respect to the same:

The Clerk to be entitled to certain Fees.

Scale of Fees:

	s.	d.
Drawing each Information, Deposition, or solemn Declaration (not being a Declaration as to the Loss of Pawnbrokers Duplicates, or as to the Admission of Paupers into Poorhouses) - - - - -	1	0
Copy of any written Information or Complaint in Summary Proceedings - - - - - -	0	6
Drawing any Notice required by Law in Proceedings by or before Justices, (when required by the Party) - -	0	6
Summons, and Copy - - - - -	0	6
Warrant (except in any Case of a Committal for an Offence in which the Justices may see fit to remit the Fee) -	0	6
Entry of each Order - - - - -	0	6
Certificate of Order - - - - -	1	0
Recognizance (when required by the Party or by the Justices to prepare the same, and when not at foot of a Deposition or Information) - - - -	1	0
Appeal (including the Recognizance to prosecute) - -	2	0

But the Clerk shall not be entitled to demand or receive a greater Amount of Fees for any Set of Informations, or for any Set of Summonses, or for any Set of any other Documents of the same Kind in the same Case than Two Shillings in the whole for each Set, unless the Justices shall specially authorize a greater Amount, but not in any Case exceeding the above Fees; nor shall he be entitled to demand or receive any of such Fees in any Case in which the Justices shall see fit to remit the same; nor shall he be entitled to receive any of such Fees in any Case of an Offence prosecuted by the Constabulary, or by any public Officer on behalf of the Crown, unless where Costs shall be awarded to the Prosecutor and recovered by him, in which Case such Clerk shall be entitled to demand and receive from such Prosecutor the legal Fees to an Amount not exceeding the Amount of such Costs; and the said Clerk

But not to exceed a certain Amount in certain Cases;

and not to be payable in certain Cases;

nor in Cases prosecuted by Crown or Constabulary when no Costs are recovered.

Clerk to keep an Account of Fees.

Appointment of Clerk.

Justices may appropriate Surplus, after paying Clerk, to Court Requisites.

A List of the Fees to be posted in Court House.

Clerk shall keep an Account of all Fees received by him under this Act in such Form and Manner as the Justices shall direct; and in case the said Fees shall amount to a greater Sum than the Justices shall deem an adequate Remuneration for such Clerk they may appropriate the Surplus to the Payment of Postage or to the Purchase of Stationery or other Court Requisites for their Use at Petty Sessions; and a printed List of Fees which the Clerk shall be entitled to receive under this Act shall be posted in a conspicuous Part of the Court House or Place in which the Petty Sessions shall be held in such Manner as the Justices shall direct.

Clerk to hold subject to the following Provisions:

To follow no Occupation inconsistent with his Duties, and to forfeit his Office if he engages in certain Employments:

IV. The said Clerk shall hold the said Office of Clerk of Petty Sessions subject to the following Provisions:

1. He shall not, during the Time that he shall hold such Office, practise as an Attorney or Solicitor in any Case either at such Petty Sessions or at the Quarter Sessions of the Division of the County in which such Petty Sessions shall be situated, nor shall he act as the Clerk of any Attorney or Solicitor so practising, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or as the Keeper or Partner in keeping any Inn or Public House, nor shall he engage in any other Business or Occupation which shall appear to the Lord Lieutenant or to the Justices to be inconsistent with his Duties as Petty Sessions Clerk; or if he shall so act or engage, he shall *ipso facto* cease to hold such Office of Petty Sessions Clerk, and shall also be liable to the Penalties herein-after provided:

To hold his Office at the Pleasure of the Justices; and may be dismissed by the Lord Lieutenant for Neglect or Misconduct:

2. He shall hold his Office during the Pleasure of the Justices of the District:
3. He shall be subject to be dismissed by the Lord Lieutenant for Neglect, Misconduct, or Incompetency in the Discharge of his Duties as Petty Sessions Clerk:

In Cases of Necessity, Substitute may be appointed.

And the said Clerk shall perform the Duties of his Office in Person, and not by Deputy, except in case of his Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being, who shall, if required by the Justices, enter into Security in like Manner as herein-before provided as to any Clerk.

Duties of Clerk of Petty Sessions:

To make Minutes of Proceedings

V. The Clerk of Petty Sessions shall perform the following Duties:

1. He shall make, when required by any of the Justices, a Minute of all special Proceedings, taken either in or out of Petty Sessions, in a Book to be kept for that Purpose, to be called the

the "Minute Book," and shall also make such Entries in the "Order Book" (Form D.) herein-after mentioned, as the Justices shall direct: and Entries in Books:

2. He shall also have the Care and Custody of such Books, subject to their being kept at the Court House or Place where the Petty Sessions shall be held, or otherwise as the Justices shall direct, and also subject to their being at all Times open to the Inspection of the Justices and of any other Person or Persons whom the Lord Lieutenant may at any Time appoint to examine the same: To have Custody of Books:

3. He shall also prepare, under the Directions of the Justices, all Informations, Summonses, Examinations, Warrants, Recognizances, and other documentary Forms of Proceeding: To prepare all Forms, &c.:

4. He shall retain, or (if so directed by the Justices) shall copy or cause to be copied into a Book to be kept for the Purpose, all Orders or Circulars, or Opinions of the Law Officers or Advisers of the Crown, addressed or transmitted to the Justices, and shall also make Copies of all Informations, Depositions, or Examinations, when so directed by the Justices, and shall also retain Copies of all Abstracts or Schedules of Documents transmitted to the Clerks of the Crown and Peace as herein-after provided: To copy in a Book all Orders, Circulars, and Opinions of Law Officers of the Crown, and also to make Copies of Informations, &c.:

5. He shall enter all Cases in the Order in which the Summonses shall be issued at Petty Sessions, or if issued out of Petty Sessions, then in the Order in which the Application shall be made to him by the Complainant or his Agent to enter the same: To enter Cases in consecutive Order:

6. He shall enter a true Account of all Sums paid into Court under any Orders of the Justices, and of all Warrants issued for the Execution of any such Orders, and of all Sums levied under the same and paid over to him, (whether the said Sums shall be in the Nature of Penalties for Offences, or Sums awarded in Cases of a Civil Nature,) and shall otherwise account and act as to the same as required by the Provisions of "The Fines Act, *Ireland*, 1851," as to any Penal Sums: To enter and account for all Fines, &c. under Fines Act:

7. He shall also make such Returns of the Proceedings at Petty Sessions as the Chief or Under Secretary of the Lord Lieutenant shall from Time to Time require, and shall observe such general Regulations in respect to the Discharge of his several Duties as the Lord Lieutenant shall from Time to Time prescribe: To make Returns, and to observe general Regulations:

And when required by the Clerks of the Crown or Peace, as the Case may be, the Clerk of Petty Sessions shall attend the Assizes or Quarter Sessions to which any Informations, Examinations, or Recognizances shall be returned by him, or to which any Informations, Examinations, or Recognizances prepared by him shall be returned, and as to which any Complaint shall have been made against him for Neglect, Clerk to attend Assizes or Quarter Sessions, if required, to answer any Complaint of Neglect of

Duty as to Informations.

Neglect, to answer such Inquiries respecting the same as shall be made by the Court; and in case it shall appear that such Clerk shall have committed any wilful Default or Neglect in preparing or in transmitting the same, or shall have improperly divulged the Contents of such Informations or Examinations, it shall be lawful for the Judge of Assize or for the Justices at Quarter Sessions, as the Case may be, for every such Offence to impose a Penalty not exceeding Twenty Pounds on the said Clerk, and in default of Payment of the same to commit him to Gaol for any Term not exceeding Three Months.

On Death, Suspension, or Dismissal of Clerk, Sub-Inspector to take charge of all Books, &c.

Justice may grant Search Warrant for Books, &c. if detained.

VI. Whenever a Vacancy shall occur by reason of the Death, Resignation, Suspension, or Dismissal of any Clerk of Petty Sessions, the Sub-Inspector of Constabulary, or the Head Constable of the District, or such other Person as the Justices shall authorize, shall take charge of all Books, Papers, and other Effects belonging to the said Petty Sessions, and shall retain them in his Care and Custody until a Successor shall be appointed to such Clerk; and it shall be lawful for any Justice, upon being satisfied upon Oath that any such Books, Papers, or other Effects as aforesaid are or are suspected to be in the Possession of any Person who shall refuse to deliver up the same to such Sub-Inspector, Head Constable, or other Person so authorized, to issue a Warrant to any Sub-Inspector, Head or other Constable, to search the House of such Person for the same, and to seize and detain the same, if discovered therein; and such Sub-Inspector, Head or other Constable, so authorized by any such Warrant, may, upon the Refusal of such Person to open his Door for that Purpose, break it open.

Local Jurisdiction.

Justice may act for One County whilst being in another adjoining County, of which he shall also be Justice; or whilst in adjoining County of a City, though not a Justice of same; but not to act as to Matters arising in such County of a City, &c.

VII. The Powers of Justices and others to act in and for different Localities shall be subject to the following Provisions:

1. A Justice for any County may act as such in all Matters arising within such County, although he may at the Time happen to be in an adjoining County, provided he shall be also a Justice for such adjoining County:

2. A Justice for any County may in like Manner act as such in all Matters arising within such County, although he may at the Time happen to be in any City, Town, or Place, being a County of itself, situated within or adjoining to such first-mentioned County, whether he shall be a Justice of such City, Town, or Place, or not; but nothing herein contained shall extend to empower any Justice for any County, not being also Justice for any such City, Town, or Place as aforesaid, or any Person acting under him, to act or intermeddle in any Matters arising within any such City, Town, or Place:

Inspector-General of Constabulary

3. The Inspector General, or either of the Deputy Inspectors General of Constabulary, being a Justice of any County, may act

act in all Matters arising within such County, wherever he may happen to be at the Time:

may act wherever he may be.

4. Whenever any Townland belonging to One County shall be included in any Petty Sessions District of the adjoining County under the Provisions of this Act, any Justice having Jurisdiction in such Petty Sessions District shall have the like Jurisdiction in such Townland, although he may not be a Justice of the County to which such Townland belongs; and any Committal to any Gaol or Bridewell of such last-mentioned County, or any other magisterial Act done by any such Justice, in any Case in which the Offence or Cause of Complaint shall have arisen in such Townland, shall have the like Force and Effect as if such Justice was also a Justice of such last-mentioned County:

Justices for One County may act for annexed Townlands of another.

And all Constables or other Persons apprehending any Person whom they lawfully may and ought to apprehend by virtue of their Office or otherwise in any such County or Place as aforesaid, may lawfully convey such Person before any Justice for such County or Place whilst such Justice shall be in such adjoining County or Place as aforesaid, and such Constables or other Persons are hereby authorized and required in all such Cases to act in all things as if such Justice were within the County or Place for which he shall so act.

Constables, &c. may take Offenders before Justice in adjoining County.

VIII. The Places where Justices shall sit in the Discharge of their Duties shall be subject to the following Provisions:

Place of Hearing.

1. Whenever a public Court House shall be maintained by County Presentment at any Place fixed for the holding of Petty Sessions the Petty Sessions shall be held therein, if not inconvenient to the Public; but whenever no such public Court House shall be so maintained, or the holding of Petty Sessions therein would be inconvenient to the Public, it shall be lawful for the Grand Jury of the County to present an annual Sum not exceeding Ten Pounds for the Rent of a public Justice Room in which the Petty Sessions shall be held, and of a Lock-up; provided that such Room shall not be in a House where spirituous or fermented Liquors are sold, or in a Constabulary Barrack, or in any Building maintained in the whole or in part at the Public Expense, and that it shall be proved to the Satisfaction of the County Presentment Sessions where Application shall be made for such Rent that at least Four Meetings of Justices shall have been held in such Room during the Four Months next preceding such Application:

Petty Sessions to be held in Court House.

Where no Court House, Grand Jury may present Rent of Justice Room.

2. It shall not be lawful for any Justice or Justices to hear and determine any Cases of Summary Jurisdiction out of Petty Sessions, except Cases of Drunkenness or Vagrancy, or Fraud in the Sale of Goods, or Disputes as to Sales in Fairs or Markets;

In Summary Proceedings Complaint not to be heard or determined out of Petty Sessions, except in certain Cases;

Place of Hearing.

but Two Justices may act out of Petty Sessions where Offender cannot find Bail.

Proviso.

Markets; but it shall be lawful for Two Justices, if they shall see fit, to hear and determine out of Petty Sessions any Complaint as to any Offence when the Offender shall be unable to give Bail for his Appearance at Petty Sessions:

Provided always, that nothing herein contained shall be construed to prevent any Justice or Justices, acting out of Petty Sessions from making any Order (not being in the Nature of a Conviction, or of an Adjudication upon a Complaint,) which a Justice or Justices may be authorized or required by Law to make.

Publicity of Proceedings.

Place in which Justices shall sit to hear Summary Proceedings to be deemed an open Court. Parties to be allowed to plead by Counsel or Attorney.

IX. The Right of the Public to have Access to the Place in which Justices shall sit shall be subject to the following Provisions:

1. In all Cases of Summary Proceedings the Place in which any Justice or Justices shall sit to hear and determine any Complaint shall be deemed an open Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Parties by and against whom any Complaint or Information shall there be heard shall be admitted to conduct or make their full Answer and Defence thereto respectively, and to have the Witnesses examined and cross-examined by themselves or by Counsel or Attorney on their Behalf:

Place where Examinations in Proceedings for Indictable Offences are taken not to be deemed an open Court without Consent of Justice.

2. In all Cases of Proceedings for Indictable Offences the Place in which any Justice or Justices shall sit to take any Examination or Statement relating to any such Offence shall not be deemed an open Court for that Purpose, but it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person (the Counsel or Attorney of any Person then being in such Court as a Prisoner only excepted) shall have Access to or be or remain in such Place without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be thereby best answered:

Power to commit and fine for Contempt of Court.

And if any Person shall wilfully insult any Justice or Justices so sitting in any such Court or Place, or shall commit any other Contempt of any such Court, it shall be lawful for such Justice or Justices by any verbal Order either to direct such Person to be removed from such Court or Place, or to be taken into Custody, and at any Time before the Rising of such Court by Warrant to commit such Person to Gaol for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding Forty Shillings.

Informations and Complaints.

Justice may receive Information or Complaint:

X. Whenever Information shall be given to any Justice that any Person has committed or is suspected to have committed any Treason, Felony, Misdemeanor, or other Offence, within the Limits of the Jurisdiction of such Justice, for which such Person shall be

punishable either by Indictment or upon a Summary Conviction; or that any Person has committed or is suspected to have committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice, either in *Great Britain* or *Ireland*, or in the Isles of *Man*, *Jersey*, *Guernsey*, *Alderney*, or *Sark*, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice; or that any Person has committed or is suspected to have committed any Crime or Offence whatsoever on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of *England* or *Ireland* have or claim to have Jurisdiction, or on Land beyond the Seas, for which an Indictment can be legally preferred in any Place in the United Kingdom of *England* and *Ireland*, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice; or whenever a Complaint shall be made to any Justice as to any other Matter arising within the Limits of his Jurisdiction, upon which he shall have Power to make a Summary Order, it shall be lawful for such Justice to receive such Information or Complaint, and to proceed in respect to the same, subject to the following Provisions:

As to Offences within his Jurisdiction: As to Offences out of his Jurisdiction: As to Civil Cases:

1. Whenever it is intended that a Summons only shall issue to require the Attendance of any Person, the Information or Complaint may be made either with or without Oath, and either in Writing or not, according as the Justice shall see fit:

It may be verbal, and without Oath, in certain Cases

2. But whenever it is intended that a Warrant shall issue for the Arrest or Committal of any Person, the Information or Complaint shall be in Writing, and on the Oath of the Complainant or of some Person or Persons on his Behalf:

It must be in Writing, and on Oath, in certain other Cases.

3. Whenever any such Information shall have been taken on Oath and in Writing that any Person has committed or is suspected to have committed any Indictable Crime or Offence, (or any Offence for which such Person shall be punishable upon Summary Conviction, and for whose Arrest the Justice shall issue a Warrant,) it shall be lawful for the Justice, if he shall see fit, to bind the Informant or Complainant by Recognizance (A a.*) or (C.) to appear at the Court or Place where the Defendant is to be tried or the Complaint is to be heard to prosecute or give Evidence, as the Case may be, against such Person:

Binding the Informant to prosecute.

4. In all Cases of Summary Jurisdiction the Complaint shall be made, when it shall relate to the Nonpayment of any Poor Rate, County Rate, or other public Tax, at any Time after the Date of the Warrant authorizing the Collection of the same, and when it shall relate to the Nonpayment of Money for Wages, Hire,

In Summary Proceedings Complaints must be made for Poor Rate, &c. at any Time after

the Date of the Warrant; for Wages, &c. within One Year; for Trespass, within Two Months; in other Cases, within Six Months.

Hire, or Tuition, within One Year from the Termination of the Term or Period in respect of which it shall be payable, and when it shall relate to any Trespass, within Two Months from the Time when the Trespass shall have occurred, and in any other Case within Six Months from the Time when the Cause of Complaint shall have arisen, but not otherwise:

In Summary Proceedings Defendant entitled to Copy of Information or Complaint when in Writing.

And in all Cases of Summary Jurisdiction any Person against whom any such Information or Complaint shall have been made in Writing shall, upon being amenable or appearing in Person or by Counsel or Attorney, be entitled to receive from the Clerk of Petty Sessions a Copy of such Information or Complaint, on Payment of the Sum of Sixpence to such Clerk; and such Clerk shall in no Case allow the original Information or Complaint to be taken out of his Possession.

Process to enforce Appearance.

XI. The Manner in which Persons against whom any such Informations or Complaints as aforesaid shall have been received by any Justice shall be made to appear to answer to the same shall be subject to the following Provisions:

In Cases of Indictable Offences Warrant to issue in the first instance.

1. In all Cases of Indictable Crimes and Offences (where an Information that any Person has committed the same shall have been taken in Writing and on Oath) the Justice shall issue a Warrant (B b.) to arrest and bring such Person before him, or some other Justice of the same County, to answer to the Complaint made in the Information (and which Warrant may be issued or executed on a *Sunday* as well as on any other Day); or if he shall think that the Ends of Justice would be thereby sufficiently answered, it shall be lawful for him, instead of issuing such Warrant, to issue a Summons in the first instance to such Person, requiring him to appear and answer to the said Complaint; but nothing herein contained shall prevent any Justice from issuing a Warrant for the Arrest of such Person at any Time before or after the Time mentioned in such Summons for his Appearance; and whenever such Person shall afterwards appear or be brought before any such Justice he shall proceed according to the Provisions hereinafter contained as to taking the Evidence against such Person, and committing such Person for Trial:

But in certain Cases a Summons may issue.

If Party appears or is arrested Justice to proceed under subsequent Provisions.

In Cases of Summary Jurisdiction Summons to issue in the first instance;

2. In all Cases of Summary Jurisdiction the Justice may issue his Summons (B a.) directed to such Person, requiring him to appear and answer to the Complaint, and it shall not be necessary that such Justice shall be the Justice or One of the Justices by whom the Complaint shall be afterwards heard and determined; and in all Cases of Offences where such Person shall not appear at the required Time and

but in certain Cases a

and Place, and it shall be proved on Oath either that he was personally served with such Summons or that he is keeping out of the Way of such Service, (the Complaint being in Writing and on Oath,) the Justice may issue a Warrant to arrest and bring such Person before him or some other Justice of the same County, to answer to the said Complaint; and when such Person shall afterwards be arrested under such Warrant, the Justice before whom he shall be brought may either by Warrant (E b.) commit him to Gaol, until the Hearing of the Complaint, or may discharge him upon his entering into a Recognizance (C.), with or without Sureties, at the Discretion of the Justice, conditioned for his Appearance at such Hearing:

Warrant may issue.

If Party is arrested Justice may either commit or discharge on Recognizance.

And each Summons or Warrant shall be signed by the Justice or One of the Justices issuing the same, and it shall state shortly the Cause of Complaint, and no Summons or Warrant shall be signed in Blank; and in every Case where the Offence shall have occurred or the Cause of Complaint shall have arisen within the Petty Sessions District for which the Justice issuing any such Summons or Warrant shall act, but the Party or Witness to whom such Summons shall be directed or against whom such Warrant shall be issued shall reside in an adjoining County, it shall be lawful for such Justice to compel the Appearance of such Party or Witness at the Hearing of the Charge or Complaint within such District, in like Manner as if such Party or Witness resided in such District, although such Justice may not be a Justice of such adjoining County.

Warrant or Summons to be signed, but not in Blank.

Summons or Warrant may run into an adjoining County.

XII. The Manner in which Summonses shall be served shall be subject to the following Provisions:

Service of Summonses.

1. It shall be lawful for the Justices of each Petty Sessions to appoint some One or more Persons, who shall be able to read and write, to act as Summons Server or Servers of the District during the Pleasure of such Justices; and any such Summons Server shall be entitled to be paid by the Complainant or Person for whom he may be employed such Sum not exceeding the Sum of Sixpence for the Service of each Summons upon each Party or Witness (or upon any Number of Parties or Witnesses in the same Case who shall be served in the same House) as the Justices shall fix:

Justices to appoint a Summons Server.

2. In Cases of Offences prosecuted by the Constabulary the Summons shall be served by a Head or other Constable, but in all other Cases it may be served by the Summons Server of the District, or (if the Justice issuing the same shall so direct or permit) by any other Person whom the Complainant shall employ,

By whom Summons to be served.

Service of Summonses.

employ, and who shall be able to read and write, but in no Case by the Complainant himself:

What shall be due Service.

3. Every Summons shall be served upon the Person to whom it is directed by delivering to him a Copy of such Summons, or if he cannot be conveniently met with, by leaving such Copy for him at his last or most usual Place of Abode, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, with some Inmate of the House not being under Sixteen Years of Age, a reasonable Time before the Hearing of the Complaint; and such last-mentioned Service shall be deemed sufficient Service of such Summons in every Case except where Personal Service shall be specially required by this Act; and in every Case the Person who shall serve such Summons shall endorse on the same the Time and Place where it was served, and shall attend with the same at the Hearing of the Complaint to depose, if necessary, to such Service:

Proof of Service.

But this not to affect any special Mode of Service.

Provided always, that nothing herein contained shall be construed to affect the Provisions of any Act authorizing the Substitution of Service in particular Cases.

Witnesses.

Justice may force Witnesses to attend and give Evidence.

XIII. Whenever it shall be made to appear to any Justice that any Person within the Jurisdiction of such Justice is able to give material Evidence for the Prosecution in Cases of Indictable Offences, or for the Complainant or Defendant in Cases of Summary Jurisdiction, and will not voluntarily appear for the Purpose of being examined as a Witness, such Justice may proceed as follows:

Issue of Summons.

1. He may issue a Summons (B a.) to such Person, requiring him to appear at a Time and Place mentioned in such Summons, to testify what he may know concerning the Matter of the Information or Complaint, and (if the Justice shall see fit) to bring with him and produce for Examination such Accounts, Papers, or other Documents as shall be in his Possession or Power, and as shall be deemed necessary by such Justice; but in any Case of an indictable Crime or Offence, whenever the Justice shall be satisfied by Proof upon Oath that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, (the Information or Complaint being in Writing and on Oath,) instead of issuing such Summons as aforesaid, he may issue a Warrant (B b.) in the first instance for the Arrest of such Person:

In Cases of indictable Offences Warrant may issue in the first instance.

If Summons be not obeyed, Justices may issue

2. And in any Case when any Person to whom a Summons shall be issued in the first instance shall neglect or refuse to appear at the Time and Place appointed by such Summons, and

and no just Excuse shall be offered for such Neglect or Refusal, then, (the Information or Complaint being in Writing and on Oath,) after Proof upon Oath that such Summons was personally served upon such Person, or that such Person is keeping out of the Way of such Service, and that he is able to give material Evidence in the Case, the Justice before whom such Person should have appeared may issue a Warrant (B b.) to arrest such Person, and to bring him at the Time and Place appointed for the Hearing of the Case, to testify and to produce such Accounts, Papers, and Documents as may be required as aforesaid:

Warrant to arrest Witness.

3. In all Cases of Prosecutions for Offences the Evidence of the Informer or Party aggrieved shall be admissible in proof of the Offence; and in all Cases of Complaints on which a Justice can make an Order for the Payment of Money, or otherwise, the Evidence of the Complainant shall be admissible in proof of his Complaint; and in Cases of Wages, Hire, or Tuition the Evidence of the Master or Employer may, in the Discretion of the Justices, be admitted in proof against the Complaint:

What Persons shall be competent Witnesses: Prosecutors and Complainants in all Cases: Defendants in Wages Cases.

4. All Witnesses shall be examined upon Oath, and any Justice before whom any such Witness shall appear for the Purpose of being so examined shall have full Authority to administer to every such Witness the usual Oath:

Witnesses to be examined on Oath.

5. Whenever any Person shall appear as a Witness, either in obedience to a Summons or by virtue of a Warrant, (or shall be present, and shall be verbally required by the Justice or Justices to give Evidence,) and he shall refuse to be examined upon Oath concerning the Matter of the Information or Complaint, or shall refuse to take such Oath, or having taken such Oath shall refuse to answer such Questions concerning the said Matter as shall then be put to him, or shall refuse or neglect to produce any such Accounts, Papers, or Documents as aforesaid, (without offering any just Excuse for such Refusal,) the Justice or Justices then present may adjourn the Proceedings for any Period not exceeding Eight clear Days, and may in the meantime by Warrant (E b.) commit the said Witness to Gaol, unless he shall sooner consent to be sworn or to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be; and if such Witness, upon being brought up upon such adjourned Hearing, shall again refuse to be sworn, or to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be, the said Justices, if they shall see fit, may again adjourn the Proceedings, and commit the Witness for the like Period, and so again from Time to Time until he shall consent to be sworn or

Witnesses refusing to be examined may be committed from Time to Time till they consent to be examined.

Witnesses.

But this not to prevent Case from being disposed of on other sufficient Evidence.

to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be (provided that no such Imprisonment shall in any case of Summary Jurisdiction exceed One Month in the whole); but nothing herein contained shall be deemed to prevent the Justice or Justices from sending any such Case for Trial, or otherwise disposing of the same in the meantime, according to any other sufficient Evidence which shall have been received by him or them:

In Cases of Indictable Offences Witnesses may be bound to give Evidence, and on Refusal may be committed;

6. Whenever in Cases of Indictable Offences the Justice or Justices shall see fit, they may bind the Witnesses by Recognizance (A b.*) or (C.) to appear at the Trial of the Offender and give Evidence against him; and whenever any Witness shall refuse to be so bound it shall be lawful for the Justice or Justices by Warrant (E b.) to commit him to the Gaol of the County or Place in which the Person accused is to be tried, there to be imprisoned until the Trial of the Person accused, unless in the meantime such Witness shall duly enter into Recognizance (C.) before some Justice of the County in which such Gaol shall be situated; but if afterwards, from Want of sufficient Evidence or other Cause, the Justice or Justices before whom the Person accused shall have been brought shall not commit him or hold him to Bail, it shall be lawful for such Justice or Justices or any other Justice of the County by Warrant (E d.) to order the Keeper of the Gaol to discharge such Witness:

but if Party is not committed or bailed, Witness to be liberated.

Justices may order Payment to Witnesses in Civil Cases, not exceeding 2*s.* 6*d.*

7. In all Cases of Summary Jurisdiction it shall be lawful for the Justices by whom any Order for Payment of Money, not being in the Nature of a Penalty for an Offence, shall be made, to order the Party at whose Instance any Witness shall have been summoned to pay to such Witness such Sum, not exceeding Two Shillings and Sixpence, as to such Justices shall seem fit, for his Expenses or Loss of Time for each Day of attending to give Evidence, and in default of Payment thereof at such Time as such Justice shall appoint, then to issue a Warrant to levy the Amount thereof by Distress of the Goods of such Party:

Witnesses to be protected from Arrest for Debt;

and if arrested shall be discharged by the Court.

And no Person who shall be summoned to attend before any Court of Petty Sessions, or before any Justice out of Petty Sessions, as a Witness, shall be liable to Arrest for Debt whilst at such Court, or at the Place where such Justice shall sit, or whilst proceeding to or returning from the same, provided he shall proceed and return by the most direct Road without unnecessary Delay; and it shall be lawful for the Court out of which the Writ or Process shall have issued to order the Discharge of any Person who shall be so arrested.

Taking the Evidence — Indictable Offences

XIV. The Manner in which the Evidence shall be taken in Proceedings for Indictable Offences shall be subject to the following Provisions:

1. In

Petty Sessions (Ireland).

1. In every Case where any Person shall appear or be brought before any Justice or Justices charged with any Indictable Crime or Offence, such Justice or Justices, before committing such Person for Trial or admitting him to Bail, shall in the Presence of such Person, who shall be at liberty to put Questions to any Witness produced against him, take the Depositions (A b.) on Oath and in Writing of those who shall know the Facts of the Case, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall also be signed by the Justice or One of the Justices who shall take the same; and if upon the Trial of the Person so accused it shall be proved by the Oath of any credible Witness that any Person whose Deposition shall have been so taken is dead, and that such Deposition was taken in the Presence or Hearing of the Person accused, and that he or his Counsel or Attorney had an Opportunity of cross-examining such Witness, it shall be lawful to read such Deposition as Evidence on the Trial, without further Proof thereof, unless it shall be proved that the same was not signed by the Justice purporting to have signed the same:

Justices to take Depositions.

Depositions of Witnesses who have died.

2. Whenever the Examination of the Witnesses on the Part of the Prosecution shall have been completed the Justice or One of the Justices present shall (without requiring the Attendance of the Witnesses) read or cause to be read to the Person accused the several Depositions, and then take down in Writing the Statement (A c.) of such Person (having first cautioned him that he is not obliged to say anything unless he desires to do so, but that whatever he does say will be taken down in Writing, and may be given in Evidence against him on his Trial); and whatever Statement the said Person shall then make in answer to the Charge shall, when taken down in Writing, be read over to him, and shall be signed by the said Justice or One of the Justices present, and shall be transmitted to the Clerk of the Crown or Peace, as the Case may be, along with the Depositions, and afterwards, upon the Trial, may, if necessary, and if so signed, be given in Evidence against the Person accused, without further Proof thereof, unless it shall be proved that it was not signed by the Justice purporting to sign the same; but nothing herein contained shall prevent the Prosecutor from giving in Evidence any Admission or Confession, or other Statement made at any Time by the Person accused, and which would be admissible by Law as Evidence against such Person:

Statement of Prisoner.

Justices to caution Prisoner, and then take down his Statement;

but Prosecutor may give any other Statement also in Evidence.

But if from the Absence of any Witnesses or from any other reasonable Cause it shall become necessary or advisable to defer the Examination or

Remanding Prisoner.

May be remanded for

Taking the Evidence.—Indictable Offences.

or further Examination of the Witnesses for any Time, it shall be lawful for the Justice before whom the Person accused shall appear or be brought, either to admit such Person to Bail in manner herein-after provided, or by Warrant (E b.) from Time to Time to remand such Person to Gaol for such Time as the Justice shall deem expedient, not exceeding Eight clear Days; but any such Justice may order the said Person to be brought before him or some other Justice of the County, at any Time before the Expiration of the Period for which he shall have been so remanded: Provided always, that at any Time after the Examinations in any Proceedings for an Indictable Offence shall have been completed, and on or before the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person committed to Gaol or admitted to Bail is to be tried, such Person may require and shall be entitled to receive from the Officer or Person having the Custody of the same Copies of the Depositions on which he shall have been committed or bailed, (or Copies of Depositions taken at any Inquest in case of Murder or Manslaughter,) on Payment of a reasonable Sum for the same, not exceeding a Sum at the Rate of Three Halfpence for each Folio of Ninety Words.

any Time not exceeding Eight Days; but may be ordered up sooner.

In Cases of Indictable Offences after the Examinations, &c., have been completed, Defendant entitled to Copies of Depositions.

Disposal of the Prisoner.—Indictable Offences.

XV. The Manner in which the Person accused shall be disposed of when the Evidence shall have been taken in Proceedings for Indictable Offences shall be subject to the following Provisions:

1. Whenever the Offence shall have been committed within the Jurisdiction of the Justice or Justices present, and he or they shall be of opinion that the Evidence is not sufficient to put such accused Person on his Trial, he or they shall forthwith order such accused Person, if in Custody, to be discharged as to the Information then under Inquiry; but if in the Opinion of such Justice or Justices such Evidence is sufficient to put such Person on his Trial, or if such Evidence raises a strong or probable Presumption of Guilt, then such Justice or Justices shall either by Warrant (E b.) commit him to Gaol, to be there kept until his Trial for the said Offence, or shall admit him to Bail in manner herein-after provided, according as he or they shall see fit:

When Evidence has been completed, Justices to discharge, or commit, or admit to Bail.

2. Whenever any Person shall appear or be brought before any Justice charged with an Offence alleged to have been committed by him in any County or Place in *Ireland* wherein such Justice shall not have Jurisdiction, it shall be lawful for such Justice and he is hereby required to examine such Witnesses, and receive such Evidence in proof of such Charge as shall be produced before him within his Jurisdiction; and if in his Opinion such Evidence shall be sufficient Proof of the said Charge,

Justice of One County may examine as to Offence committed in another County, and either commit Prisoner or admit him to Bail.

Charge, such Justice shall thereupon, either by a like Warrant (E b.) commit the Person accused to the Gaol of the County or Place wherein the Offence shall be alleged to have been committed, or shall admit him to Bail, according as such Justice shall see fit; but if in his Opinion such Evidence shall not be sufficient to put the accused Party on his Trial, then such Justice shall bind over the Prosecutor, if he shall have appeared, and the Witnesses, to give Evidence when required so to do, and shall thereupon, by Warrant (E c.) order such Person to be taken before some Justice of the County in which and near the Place where the Offence is alleged to have been committed, and shall at the same Time deliver to the Person having the Execution of such Warrant the Information, Depositions, and Recognizances, if any, so taken, to be delivered to the Justice before whom the accused Person shall be taken in obedience to such Warrant, and such Information, Depositions, and Recognizances shall be treated to all Intents as if they had been taken before such last-mentioned Justice:

Disposal of the Prisoner.—Indictable Offences.

If Evidence is not sufficient, Justice may send Prisoner to County where Offence was committed;

Provided always, that if such last-mentioned Justice shall not think the Evidence against such accused Party sufficient to put him on his Trial, and shall discharge him without holding him to Bail, any Recognizance so taken by the said first-mentioned Justice shall be null and void.

but if Evidence not sufficient, and Party not bailed, former Recognizance to be void.

XVI. The Admission to Bail of Persons charged with Indictable Offences shall be subject to the following Provisions:

Bailing Prisoner.—Indictable Offences.

1. In every Case where any Person shall be charged before any Justice in manner aforesaid with any Felony (save as hereinafter excepted), or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with any Offence against an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled* '*An* '*Act to prevent and punish tumultuous Risings of Persons* '*within this Kingdom, and for other Purposes therein mentioned,*' or with obtaining or attempting to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth of a Child by secret burying or otherwise, or with wilful or indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace

Persons charged with certain Felonies and Misdemeanors may be admitted to Bail at the Discretion of the Justice before Commitment for Trial. 1 & 2 W.4. c. 44.

Bailing Prisoners for Indictable Offences.

a Peace Officer in the Execution of his Duty, or upon any Person acting in his Aid, or with Neglect or Breach of Duty as Peace Officer, or with any Misdemeanor for the Prosecution of which the Costs may be allowed out of the County Rate or Funds, it shall be lawful either for the Justice before whom such Charge shall be made, at any Time before such Person shall be committed to Gaol, or for the Justice by whom the Warrant to commit shall have been signed, at any Time afterwards, and before the First Day of the Sitting of the Court before which he shall have been committed to be tried, if (having regard to the Nature of the Charge, and the Cogency of the Evidence adduced in support of it,) it appears to him to be a Case in which Bail ought to be taken, to admit such accused Person to Bail by Recognizance (C.), with One or more sufficient Sureties, at the Discretion of the Justice, conditioned that he will appear at the Time and Place when and where he is to be tried for such Offence, and that he will then surrender and take his Trial, and not depart the Court without Leave; and whenever in any such Case the accused Person shall not be so admitted to Bail, if the committing Justice shall be of opinion that he ought to be admitted to Bail, he shall certify (I c.) on the Warrant of Commitment his Consent to his being bailed, stating also the Amount of Bail which ought to be required; and any Justice of the County attending or being at the Gaol where such accused Party shall be in Custody, on Production of such Certificate at any Time before the First Day of the Sitting of the Court before which he shall have been committed to be tried, may admit such accused Person to Bail in manner aforesaid:

In such Cases the committing Justice to certify on Warrant his Consent to Bail; and any other Justice may admit to Bail.

Persons charged with other Misdemeanors shall be admitted to Bail at any Time as of Right.

2. In every Case where any Person shall be charged before any Justice with any Indictable Misdemeanor other than those herein-before mentioned, such Justice, after taking the Examinations, instead of committing him to Prison, shall, upon the Application of such Person (and upon being satisfied as to the Sufficiency of the Bail offered), admit him to Bail in manner aforesaid, or if he shall have been committed to Gaol, and shall apply to any Justice for the same County to admit him to Bail at any Time before the First Day of the Sitting of the Court before which he shall have been committed to be tried, such Justice shall admit him to Bail in manner aforesaid:

When Sureties cannot attend, Justice to give a Duplicate Certificate.

And whenever it shall not be convenient for the Surety or Sureties in any Case to attend at the Gaol to join with the accused Person in the Recognizance of Bail, then the committing Justice or the Justice by whom such Person can be admitted to Bail, as the Case may be, shall

shall make a Duplicate of such Certificate (I c.) as aforesaid, and upon the same being produced to any Justice for the same County it shall be lawful for such last-mentioned Justice, before such Time as aforesaid, to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol, and produced to any Justice attending or being at such Gaol, it shall be lawful for such last-mentioned Justice, before such Time as aforesaid, to take the Recognizance of such accused Person in like Manner as if the Sureties were present; and in all Cases where a Justice shall admit to Bail any Person who shall then be in any Gaol charged with the Offence for which he shall be so admitted to Bail, such Justice shall send to or cause to be lodged with the Keeper of such Gaol a Warrant (E d.) requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence or under no Civil Process, and upon such Warrant being delivered to such Keeper he shall forthwith obey the same: Provided always, that no Justice shall admit any Person to Bail for Treason, or for any Felony under an Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, nor shall any such last-mentioned Person be admitted to Bail except by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at *Dublin*, or a Judge thereof in Vacation.

Bailing Prisoner, Indictable Offences.

When Justice admits a Person to Bail after Commitment, he shall order his Discharge, if not detained for any other Offence, or under Civil Process; but no Bail in Cases of Treason or of Felony under 11 & 12 Vict. c. 12. but by Order of the Lord Lieutenant, or Chief Secretary, or Queen's Bench.

XVII. Whenever any Person charged with any such Indictable Crime or Offence as aforesaid shall have been bailed in manner aforesaid, it shall be lawful for the Justice by whom he shall have been bailed, or for any other Justice, if he shall see fit, upon the Application of the Surety or of either of the Sureties of such Person, and upon Information being made in Writing and on Oath by such Surety, or by some Person on his Behalf, that the Person so bailed is about to abscond for the Purpose of evading Justice, to issue his Warrant for the Arrest of such Person so bailed, and afterwards, upon being satisfied that the Ends of Justice would otherwise be defeated, to commit such Person, when so arrested, to Gaol, until his Trial, or until he shall produce another sufficient Surety or other sufficient Sureties, as the Case may be, in like Manner as before.

Where Party is about to abscond, Justice may, upon Application of Bailsman, order Arrest, and require new Bail.

XVIII. Whenever an Indictment shall have been found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or at any General or Quarter Sessions of the Peace in *Ireland*, against any Person who shall then be at large, and who shall not already have appeared and pleaded to such Indictment, (and

Warrant to arrest a Party against whom an Indictment is found.

Bailing Prisoner.—Indictable Offences.

(and whether such Person shall have been bound by Recognizance to answer to the same or not,) the Person who shall act as Clerk of the Crown at such Court, or as Clerk of the Peace at such Sessions, shall, at any Time after the End of the Assizes or Sessions at which such Indictment shall have been found, upon Application of the Prosecutor or of some Person on his Behalf, and free from Charge, grant unto such Prosecutor or Person a Certificate (I b.) of such Indictment having been found; and upon Production of such Certificate to any Justice for the County in which the Offence shall be alleged in such Indictment to have been committed, or in which the Person thereby indicted shall reside or be, or be suspected to reside or be, such Justice shall issue his Warrant to arrest such Person, and to cause him to be brought before him, or some other Justice for the same County, to be dealt with according to Law; and upon such Person being so brought before such Justice, and upon its being proved on Oath that the Person so arrested is the same Person who is charged and named in such Indictment, such Justice shall, without further Inquiry, either commit him for Trial or admit him to Bail, in manner aforesaid; and in any such Case as last aforesaid, if the Person so indicted shall at the Time be confined in any Gaol for any other Offence than that charged in such Indictment, such Justice shall, upon like Proof on Oath that the Person so confined is the same Person who is so charged in such Indictment, issue his Warrant (E b.) to the Keeper of such Gaol, commanding him to detain such Person in his Custody until he shall be discharged therefrom by due Course of Law; but nothing herein contained shall be deemed to prevent any Clerk of the Crown or Peace or other Officer from issuing any Warrant in any such Case for the Arrest of any such Person which he might otherwise by Law issue.

Party so arrested to be committed for Trial or bailed

If Party indicted be in Prison for some other Offence, Justice to order his Detention.

But not to interfere with Bench Warrants, &c.

Disposal of the Informations, &c.—Indictable Offences.

XIX. The Manner in which Informations, Examinations, Statements of accused Parties, and Recognizances, in Proceedings for Indictable Offences, shall be disposed of, when taken, shall be subject to the following Provisions:

Informations, &c taken before Justice out of Petty Sessions to be transmitted to Petty Sessions.

1. Every such Information, Examination, Statement, and Recognizance sworn, taken, or acknowledged by or before any Justice not sitting in Petty Sessions shall, with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted by him to the Justices at such Petty Sessions, except in Cases where the Person accused shall not have been committed or shall not be amenable, and such Justice shall deem it expedient to retain such Documents for a longer Period:

2. The

Disposal of the Informations, &c.—Indictable Offences.

Informations, &c. to be transmitted to the Clerks of the Crown and Peace;

2. The Justices at Petty Sessions shall transmit or cause the Clerk of Petty Sessions to transmit every such Information, Examination, Statement, or Recognizance so received from any Justice out of Petty Sessions, or which shall be sworn, taken, or acknowledged at Petty Sessions, to the Clerk of the Crown of the County where the same shall relate to any Matter to be tried at the Assizes, or to the Clerk of the Peace where same shall relate to any Matter to be tried at Quarter Sessions, with all convenient Despatch, or at latest within Seven Days from the holding of each Petty Sessions where the Party shall have been committed or shall be amenable, (or at least Seven Days before the Assizes or Quarter Sessions, as the Case may be, where the Party shall not have been committed or shall not be amenable,) except in Cases of Indictable Offences where the Party shall not have been committed or shall not be amenable, and the Justices shall deem it expedient to retain such Documents for a longer Period:

but when detained, Justice to certify Reason.

3. In every Case where any such Documents, whether taken in or out of Petty Sessions, shall be so retained by any Justice for a longer Period than is herein-before provided, he shall endorse on the same his Reason for such Retention:

Mode of transmitting Informations, &c.

And in all Cases where the Justices shall deliver to the Clerk of Petty Sessions any such Information, Examination, Statement, or Recognizance to transmit to the Clerks of the Crown or Peace, the said Clerk of Petty Sessions shall forthwith make an Abstract or Schedule of the same, specifying the Dates of the same, and the Dates when the same were received by him; and (when there shall be no more convenient or safe Mode of Transmission,) and he shall be so directed by the Justices, he shall transmit such Schedule, together with the Informations, Examinations, and Recognizances therein referred to, to the said Clerks of the Crown or Peace, as the Case may be, through the General Post Office, prepaying the same, and obtaining a Receipt from the Postmaster where the same shall be posted, specifying the Date of such posting, and for which the Postmaster by whom the same shall be delivered shall in like Manner obtain a like Receipt from the Clerk of the Peace, or Clerk of the Crown, as the Case may be, and which Receipts such Postmaster and such Clerk of the Crown or Peace are hereby required to give; and the Grand Jury of the County shall at the Assizes present to be paid to such Clerks of Petty Sessions the Amount of the Postage prepaid by them for the Transmission of such Documents as aforesaid; and the Sums so presented shall be levied as other Monies presented by such Grand Jury.

Grand Jury to present Amount of Postage.

Hearing the Case.—Summary Jurisdiction.

XX. In all Cases of Summary Jurisdiction the Proceedings upon the Hearing of the Complaint shall be subject to the following Provisions:

Where both Parties appear, Case to be heard on both Sides.

1. Whenever the Defendant or his Agent shall be present the Substance of the Complaint shall be stated to him, and if he thereupon admit the Truth of the Complaint, then the Justices shall, if they shall see no sufficient Reason to the contrary, convict or make an Order against him accordingly, but if he do not admit the Truth of the Complaint, then the Justices shall proceed to hear such Evidence as may be adduced in support of the Complaint, and also to hear the Defence, and such Evidence as may be adduced on behalf of the Defence, and also such Evidence as the Complainant may adduce in reply, if such Defendant shall have given any Evidence other than as to his the Defendant's general Character; but the Complainant or his Agent shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant or his Agent be entitled to make any Observations in reply upon the Evidence given by the Complainant in reply; and if the Information or Complaint shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Complainant to prove such Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same:

Right of Reply.

Proof of a Negative.

Where Defendant does not appear, Hearing may be ex parte.

2. Whenever the Defendant or his Agent shall not appear at the Time and Place mentioned in the Summons, and it shall appear to the Justices on Oath that the Summons was duly served, a reasonable Time before the Time therein appointed for appearing, and no sufficient Grounds shall be shown for an Adjournment, the Justices may either proceed *ex parte* to hear and determine the Complaint, or may adjourn the Hearing to a future Day:

Where Complainant does not appear, Case to be dismissed or adjourned.

3. Whenever the Defendant or his Agent shall appear at the Time and Place appointed in the Summons, or shall be brought before the Justice by virtue of any Warrant, then if the Complainant (having in the Case of a Warrant had due Notice of the Defendant's Arrest) do not appear by himself or his Agent, the Justices may either dismiss such Complaint, or may adjourn the Hearing to a future Day:

Justices to take down Evidence in Offence Cases in Writing, if required by Party.

4. Whenever any Justices shall proceed to hear and determine any Complaint or Information as to an Offence, they, or One of them, shall, when required so to do by either Party, or his Agent, take or cause to be taken a Note in Writing of the Evidence, or of so much thereof as shall be material, in a

Book to be kept for that Purpose by the Clerk of Petty Sessions, and which Book shall be signed by One of the Justices by whom such Information or Complaint shall have been heard on the Day on which the same shall have been determined:

Hearing the Case.—Summary Jurisdiction.

And whenever all the Cases shall not have been heard and determined on any Court Day, the Justices then present may adjourn the remaining Cases either to the next Court Day or to such other Day as they shall see fit; and whenever, either before or during the Hearing of any Complaint, it shall appear advisable, the Justices present may, in their Discretion, adjourn the Hearing of the same to a certain Time or Place to be then appointed and stated in the Presence and Hearing of the Party or Parties or their Agents; and all Persons whose Attendance shall have been required by any Summons in any of the Cases so adjourned shall take notice of such Adjournment, and shall be obliged to attend on the Day to which such Adjournment shall take place, without the Issue or Service of any further Summons; and in all Cases of such Adjournments the said Justices may suffer the Defendant to go at large, or, in Prosecutions for Offences (where there shall be an Information in Writing and on Oath that the Defendant is guilty of the Offence,) may commit him to Gaol by Warrant (E b.), or may discharge him upon his entering into a Recognizance (C.), with or without Sureties, at the Discretion of the Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned.

Justices may adjourn the Court generally, or may adjourn particular Cases;

and either allow Defendant to go at large, or commit him, or bind him by Recognizance to appear.

XXI. In all Cases of Summary Jurisdiction the Justices, having heard what each Party shall have had to say, and the Evidence adduced by each, shall either make such Order as shall be authorized by the Act under which the Complaint shall be made, or shall dismiss the Complaint either upon the Merits or without Prejudice to its being again made; and the Entry of the Order so made shall be as follows:

Adjudication of Case.—Summary Jurisdiction.

Justices either to convict, or to dismiss the Complaint on the Merits, or without Prejudice.

Entry of Orders.

1. One of the Justices then present shall thereupon enter or cause the Clerk to enter the Particulars of such Case and the Substance of the Decision thereon in a Book to be kept for that Purpose, to be called the "Order Book," according to the Form (D.) (and shall, in case of a Dismissal, state whether the same is upon the Merits or without Prejudice to a further Complaint); and such Entry, when One of the Justices present shall have signed his Name opposite to it or after it (which One of the said Justices is hereby required to do), shall be deemed to all Intents and Purposes a Conviction or Order, as the Case may be:

2. Whenever

Adjudication of Cases in Summary Jurisdiction.

If Order made out of Petty Sessions.

2. Whenever any Justice or Justices shall have made any such Conviction or Order out of Petty Sessions, in the Cases permitted by this Act to be decided out of Petty Sessions, he or they shall either enter the same in the Order Book in manner aforesaid, or shall enter the Substance of the Decision in the Form of Certificate (I a.), and shall forthwith, or at furthest before the next Court Day, deliver or forward such Certificate to the Clerk of Petty Sessions of the District, who shall enter the same in the proper Order Book (with a special Note that he has so done), and shall submit such Entry for Signature to the Justice or One of the Justices by whom the Order shall have been made upon the next Day of his Attendance at Petty Sessions; but in case such Justice shall not sign the same, the Clerk shall make a special Entry to that Effect in the Order Book opposite to such Case, and shall preserve the original Certificate as a Record of the Proceeding:

Return and Entry of Cases decided out of Petty Sessions in which Constabulary prosecute or act.

3. The Sub-Inspector of Constabulary of the District shall make a Return to the Justices at each Petty Sessions of the Particulars of any Cases of Summary Jurisdiction in which any Justices of the said Petty Sessions shall have made any Order or issued any Warrant out of Petty Sessions, and in which any Head or other Constable of such District shall have been engaged, since the next preceding Petty Sessions:

Copies of Convictions need not be returned to Quarter Sessions as hitherto.

But Certificate of Order to be given to Party;

and Certificate of a Dismissal on the Merits to be a Bar to future Proceedings;

and to be good Evidence of Conviction.

And it shall not hereafter be necessary to return to Quarter Sessions Copies of the Summary Convictions so made and entered at Petty Sessions; but, if either Party shall require it, a Certificate (Form I a.) of any Order so made (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions,) shall be delivered to him at any Time, and such Certificate shall operate to all Intents as a good Form of Conviction or Order, as the Case may be, for any Purpose for which any Form of Conviction or Order may now by Law be required; and in case of a Dismissal, where the same shall be stated therein by the Justice to have been a Dismissal on the Merits, or that any Assault was of a trifling or justifiable Nature (and which he is hereby required to state if the Case be so), such Certificate upon being produced shall be a Bar to any subsequent Information or Complaint for the same Matter against the same Party; and in any such Case such Certificate shall, on Proof of the Signature of the Justice to the same, be received as good Evidence of the Conviction or Order in all Courts of Justice.

General Powers in adjudicating.

XXII. In all Cases of Summary Jurisdiction it shall be lawful for the Justices in adjudicating thereon to exercise the following general Powers,

Powers, whether the same shall be authorized by the Act under which the Complaint shall be made or not:

Adjudication of Petty Sessions Summary Jurisdiction.

1. In every Case where the Justices shall be authorized to award any Penal or other Sum, they may order that the same shall be paid either forthwith or at such Time as they shall see fit to fix for that Purpose, and, in Cases of a Civil Nature, that such Sum may be paid either at once or by Instalments:

Justices may in all Cases fix the Time and Manner of Payment.

2. In every Case where the Justices shall award any Penal or other Sum to be paid, they may order that, in default of the said Sum being paid at the Time and in the Manner directed by their Order, the Goods of the Person against whom the said Order shall be made shall be distrained for such Sum, or for so much of such Sum as shall remain unpaid at the Time fixed, and also for the Costs of such Distress:

In all Cases Distress may be ordered on Nonpayment.

3. In every Case of an Offence where they shall order that a Distress shall be made in default of Payment of any Penal Sum, they may order that in default of the said Sum being paid as directed the said Person shall be imprisoned for any Term not exceeding the Period specified in the following Scale:

In Offence Cases Imprisonment may be ordered in default of Distress, according to Scale;

For any Sum	The Imprisonment not to exceed
Not exceeding 5*s*.	One Week.
Exceeding the last, but not exceeding 10*s*.	Two Weeks.
Exceeding the last, but not exceeding 2*l*.	One Month.
Exceeding the last, but not exceeding 5*l*.	Two Months.
Exceeding the last, but not exceeding 10*l*.	Three Months.
Exceeding the last, but not exceeding 30*l*.	Four Months.
Exceeding the last, but not exceeding 50*l*.	Six Months.
Exceeding the last	One Year;

And any such Imprisonment shall be determinable upon Payment of the said Sum and Costs and any Costs of the Distress, where a Distress shall have been made; and such Imprisonment may be directed in the same Warrant as such Distress; but if the said Person shall admit, or if it shall be otherwise proved on Oath, that he has no Goods, or that a Distress would be ruinous to him or his Family, they may order that such Person shall be imprisoned in the first instance for the like Period for which he might be imprisoned in default of Distress:

and may be directed by same Warrant.

So also in like Cases in the first instance where no Goods or the Distress would be ruinous.

4. In every Case of an Offence, where the Order shall only have directed Distress in default of Payment of a Penal Sum, and it shall afterwards be found impossible to execute a Warrant

In Offence Cases Justices at Petty Sessions may substitute

Distress for Committal, and vice versâ on Failure of First Warrant.

Warrant of Distress, it shall be lawful for the Justices at Petty Sessions to order a Warrant to issue to commit the Person against whom such Order shall have been made to Gaol for such Period as might have been directed by the original Order; and in like Manner where the Order shall have only directed Imprisonment, and it shall be found impossible to execute a Warrant of Committal, it shall be lawful for the Justices at Petty Sessions to order a Warrant to issue to levy by Distress of the Goods of such Person such Penal Sum as might have been awarded by the original Order; and in all such Cases a Note of such Proceeding shall be made by the Justices in the Order Book:

Power to award Hard Labour in Offence Cases.

5. In every Case of an Offence, where the Act shall authorize the Justices to order Imprisonment, they may adjudge by their Order that the said Imprisonment shall be either with or without Hard Labour, according as they shall see fit:

Imprisonment may commence at Expiration of Imprisonment under previous Conviction.

6. In every Case of an Offence, where the Person against whom an Order to imprison shall be made shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, it shall be lawful for the Justice issuing the same, if he shall think fit, to order therein that the Imprisonment shall commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced:

Any Compensation awarded shall be paid to Party aggrieved, except in certain Cases.

7. In every Case where any Sum shall be awarded under the Provisions of any Act as Compensation for Damage, or as the Value of any Article, or as the Amount of any Injury done, such Sum shall be paid to the Party or Public Body aggrieved; but where the Party aggrieved is unknown, such Sum shall be applied in like Manner as any Penalties awarded to the Crown; and where several Persons join in an Offence, and are severally punished each in the Amount of the Injury done, no more than One of such Sums shall be paid to the Party aggrieved, and the rest shall be applied as other Penalties awarded to the Crown:

Appropriation of Fines and Penalties.

8. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Justices to award any Sum not exceeding One Third of such Penal Sum to the Prosecutor or Informer, and the Remainder of such Sum and all other Penal Sums shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding:

Power to award Costs in all Cases to either Party.

9. In all Cases the Justices may order that the Defendant shall pay to the Complainant, or in case of a Dismissal that the Complainant shall pay to the Defendant, such Sum, not exceeding

exceeding Twenty Shillings, for Costs, as to such Justices shall seem fit, and the same shall be recoverable in the same Manner as any Penal or other Sum adjudged to be paid by the Justices:

Adjudication of Case.—Summary Jurisdiction.

Provided always, that every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal Offender or before or after his Conviction, and shall be liable, on Conviction, to the same Forfeiture and Punishment to which such principal Offender shall be by Law liable (except where the Age of such Aider or Abettor shall exceed Fourteen Years, in which Case he shall be liable to the same Forfeiture and Punishment to which any principal Offender whose Age shall exceed Fourteen Years shall be liable), and may be proceeded against and convicted either in the County where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Aiders and Abettors in the Commission of Offences to be punishable on Summary Conviction as Principals.

XXIII. In all Cases of Summary Jurisdiction, whenever an Order shall be made upon the Conviction of any Person for an Offence, the Justices shall issue the proper Warrant for its Execution forthwith, when the Imprisonment is to take place immediately, or at the Time fixed by the Order for the Imprisonment to take place where it is not to be immediate, or directly upon the Nonpayment of any Penal Sum or the Nonperformance of any Condition at the Time and in the Manner fixed by the Order for that Purpose, or at furthest upon the next Court Day after the Expiration of the Time so fixed for the Imprisonment, Payment, or Performance of a Condition, as the Case may be, unless the Imprisonment or Penal Sum shall have been remitted by the Crown or other competent Authority in the Interval; and whenever an Order shall be made in any Case of a Civil Nature, and the same shall not be obeyed, the Justice shall issue the proper Warrant for its Execution at any Time after the Time fixed for Compliance with its Directions, where required so to do, by the Person in whose Favour such Order shall have been made or by some Person on his Behalf, and it shall not be necessary that the Justice by whom any such Warrant shall be issued shall be the Justice or One of the Justices by whom the Order shall have been made: Provided always, that in every Case where the Party being entitled to appeal against any such Order shall have duly given Notice thereof, and entered into a Recognizance to prosecute the same in the Manner herein-after provided, it shall not be lawful for any Justice to issue any Warrant to execute the said Order until such Appeal shall have been decided, or until the

Enforcement of Orders.—Summary Jurisdiction.

In Offence Cases Warrant to issue peremptorily.

In Civil Cases Warrants to issue on Application of Party;

but no Execution of Order pending an Appeal;

Enforcement of Orders.—Summary Jurisdiction.

except in certain Cases: or if Warrant issued, not to be executed, or if executed, Party to be discharged or Distress to be returned.

the Appellant shall have failed to perform the Condition of such Recognizance, as the Case may be, (except where any Act shall expressly authorize or direct the Levy of any Sum to be made notwithstanding the Appeal); and in any Case where any Person shall be in Custody, or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed, under any such Order, the Justice by whom the Warrant shall have been issued, or any other Justice of the same County, shall, upon an Application being made to him in that Behalf, forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that if executed the Distress shall be returned to the Owner, as the Case may be.

Appeals.—Summary Jurisdiction.

In what Cases Appeals shall be permitted.

Appeal only to next Quarter Sessions of the Division.

XXIV. In any Case of Summary Jurisdiction, where an Order shall be made by the Justices for Payment of any Penal or other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for the doing of anything at a greater Expense than Forty Shillings, or for the estreating of any Recognizance to a greater Amount than Twenty Shillings, (but in no other Case,) either Party (whether he shall be the Complainant or the Defendant) in Cases of a Civil Nature, or the Party against whom the Order shall have been made in other Cases, shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County when the Order shall have been made by any Justice or Justices of any Petty Sessions District, (or to the Recorder of any Corporate or Borough Town at his next Sessions when the Order shall have been made by any Justice or Justices of such Corporate or Borough Town,) (unless when any such Sessions shall commence within Seven Days from the Date of the Order, in which Case the Appeal may be made to the next succeeding Sessions of such Division or Town); and such Appeal shall be subject to the following Provisions:

Notice to be given within Three Days.

1. The Appellant shall serve Notice in Writing of his Intention to appeal upon the Clerk of Petty Sessions, within Three Days from the Date of the Order against which the Appeal shall be made:

Recognizance to prosecute Appeal.

Amount of Recognizance.

2. He shall also within Three Days after such Notice as aforesaid enter into a Recognizance, according to the Form (C.), with Two solvent Sureties, conditioned to prosecute such Appeal, and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid, where Payment only is ordered, or of such reasonable Amount as the Justices shall see fit, where Imprisonment is ordered:

Form of Appeal.

3. Whenever the Appellant shall have given such Notice and entered into such Recognizance there shall be delivered to him the Form of Appeal (H.), containing a Certificate of the Order

Order against which he shall appeal (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions); and it shall also be therein certified by the Clerk of Petty Sessions that the said Notice was duly given, and that the said Recognizance was duly entered into, if the Fact shall be so:

Appeals.—Summary Jurisdiction.

4. In every Case where an Appeal shall be so made, the Clerk of Petty Sessions shall transmit the Recognizance entered into to prosecute such Appeal and all other Proceedings in such Case to the Clerk of the Peace of the County or to the proper Officer of the Recorder's Court, at least Seven Days before the Commencement of the Sessions to which the Appeal shall be made, or as soon afterwards as may be practicable, in the same Manner as is herein-before provided for the Transmission of Informations as to Indictable Offences:

Recognizance to appeal to be transmitted to Clerk of Peace.

5. The Appellant shall give Notice in Writing to the opposite Party of his Intention to prosecute his Appeal at least Seven clear Days before the Commencement of the Sessions to which the Appeal shall be made:

Appellant to give Notice to opposite Party.

6. Whenever an Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the said Court of Quarter Sessions (or Recorder, as the Case may be) to entertain the same, and to confirm, vary, or reverse the Order made by the Justices (as so certified in such Form of Appeal), and to award to either Party any Sum not exceeding Forty Shillings for the Costs of such Appeal; and whenever the said Court of Appeal shall have decided any such Appeal, the Clerk of the Peace or proper Officer of the Recorder's Court, as the Case may be, shall certify such Decision at Foot of the Form of Appeal, and return the same and the said Proceedings to the Justices of the Petty Sessions at which the Order shall have been made, within Seven Days after such Appeal shall have been decided; and whenever any such Appeal shall not have been duly prosecuted, the Clerk of the Peace or proper Officer of the Recorder's Court, as the Case may be, shall so certify upon such Recognizance and return the same to the Justices of the Petty Sessions from which the same shall have been transmitted (in the same Manner and subject to the same Provisions as are herein-before contained as to the Transmission of Informations for Indictable Offences,) within Seven Days after the Termination of the Sessions at which such Appeal ought to have been prosecuted, and which Certificate shall be free from any Charge:

Court of Quarter Sessions (or Recorder) may decide Appeal, and give Costs not exceeding 40s.

Clerk of Peace or proper Officer of Recorder's Court to certify Decision;

or certify upon and return Recognizance if Appeal is not prosecuted.

7. And whenever it shall appear from such Certificate that such Appeal has not been duly prosecuted, or that the original Order

If Order is not varied on Appeal

Justices shall issue Warrant for Execution of the same.

But where Order is varied, Warrant to issue for Execution of Order of Quarter Sessions.

Costs of Appeal how recovered.

Where Party has been imprisoned, he is only to be imprisoned for Remainder of Period.

Order has been confirmed upon Appeal, the Justices who shall have made the original Order, or any other Justice of the same Petty Sessions, shall issue the proper Warrant for the Execution of the same, as if no such Appeal had been brought; and in every Case in which it shall appear from such Certificate that the Court of Appeal shall have varied the original Order, the said Justices shall forthwith issue the proper Warrant for the Execution of the Order so made by the Court of Appeal, in like Manner as they might have issued a Warrant for the Execution of the original Order in case no Appeal had been prosecuted; and if upon any such Appeal either Party shall be ordered to pay Costs, it shall be lawful for such Justices to enforce Payment of the same, in like Manner as any Costs awarded by the original Order; and in any Case where any Order by which any Person shall be adjudged to be imprisoned shall be confirmed on Appeal, such Person shall be liable to be imprisoned for the Period adjudged by the original Order, where he shall not have been apprehended under the original Order, or where he shall have so been apprehended and discharged, then for such Period as, together with the Time during which he shall so have been in Custody, shall be equal to the Period adjudged by the original Order:

In certain Case, where Party fails to prosecute Appeal, Justice may estreat Recognizance.

Provided always, that whenever the Party bound by Recognizance to prosecute an Appeal against an Order to imprison shall have absconded, or when the Party bound to prosecute an Appeal against an Order for Payment of any Penal or other Sum shall have no Goods whereon to levy same by Distress, it shall be lawful for the Justices at the Petty Sessions where the original Order was made, and after like Proof of Notice to the Parties as in estreating other Recognizances in Summary Proceedings, to make an Order for estreating the Recognizance in any such Case to such Amount as they shall see fit, and for paying out of such Amount such Sum as shall have been directed to be paid to any Party by such original Order, and thereupon to issue a Warrant (E a.) for the Levy of the same upon the Goods of the several Persons bound thereby.

Addressing Warrants.

To whom to be addressed: in Offence Cases;

XXV. The Persons to whom Warrants shall be addressed for Execution shall be as follows:

1. All Warrants in Proceedings as to Offences punishable either by Indictment or upon Summary Conviction, which shall be issued in any Petty Sessions District, shall be addressed to the Sub-Inspector or Head Constable of Constabulary who shall act for the Place where the Petty Sessions for such District shall be held:

2. All

2. All Warrants in other Cases shall be addressed either to the Sub-Inspector or Head Constable of Constabulary in manner aforesaid, or to such other Person or Persons (not being the Complainant or a Party interested), as the Justices issuing the same shall see fit: *in other Cases.*

And it shall not be necessary to address any Warrant of Committal to the Keeper of the Gaol, but upon the Delivery of any such Warrant by the Person charged with its Execution to the Keeper of the Gaol to which the Committal shall be made, such Keeper shall receive and detain the Person named therein, (or shall detain him if already in his Custody,) for such Period and in such Manner as it shall appear from the Warrant that the said Person is to be imprisoned; and in Cases of Adjournments or Remands such Keeper shall bring the said Person at the Time and Place fixed by the Warrant for that Purpose before such Justices as shall be there. *Committals need not be addressed to Gaoler.* *Gaoler to produce Prisoner in Cases of Adjournments or Remands.*

XXVI. The Execution of Warrants so addressed to the Sub-Inspector or Head Constable of Constabulary shall be subject to the following Provisions: *By whom Warrants may be executed.*

1. Whenever the Person against whom any Warrant so addressed shall have been issued shall be to be found in case of Committal, or shall have Goods in case of Distress, in any Place for which such Sub-Inspector or Head Constable shall act, it shall be lawful for the Sub-Inspector or Head Constable who shall act for the Time being for such Place, or for any Head or other Constable to be appointed by him, to execute the same: *Executing Constabulary Warrants in the District.*
2. Whenever it shall appear that the said Person or his Goods, as the Case may be, are not to be found in any Place for which such Sub-Inspector shall act, but that they are to be found elsewhere in the same County, the said Sub-Inspector or Head Constable shall certify on the Warrant, according to the Form (G b.), the Place where he believes that the said Person or his Goods are to be found, and also (having first satisfied himself as to the Fact) that he believes the Signature to the Warrant to be genuine, and shall forthwith transmit the said Warrant to the Sub-Inspector or Head Constable who shall act for such last-mentioned Place, and the same shall be executed in like Manner as any Warrant addressed to him in the first instance: *Certifying to some other District of same County.*
3. Whenever it shall appear that the said Person or his Goods, as the Case may be, are not to be found in the County to which such Sub-Inspector or Head Constable shall belong, but that such Person or his Goods, as the Case may be, are to be found elsewhere out of the said County, the said Sub-Inspector or Head Constable shall, as before, certify on the Warrant, according to the Form (G b.), and forthwith transmit the same *Certifying out of the County.*

same to the Inspector General of the Constabulary Force, to be backed as herein-after mentioned:

But in case of Emergency Warrant may be executed by any Constable, &c. in the same or adjoining County.

Provided always, that in any Case which shall appear to the Justice by whom any Warrant shall be issued, to be a Case of Emergency, he may address such Warrant to any Constable of the County; and it shall be lawful for such Constable to execute such Warrant at any Place within the County in which the Justice issuing such Warrant shall have Jurisdiction, or, in case of fresh Pursuit of an Offender, at any Place in the next adjoining County; but the Constable to whom any such Warrant shall be so addressed, shall, if the Time will permit, show or deliver the same to the Sub-Inspector or Head Constable under whose Command the said Constable shall be, who shall proceed in respect to the same according to the Acts regulating the Constabulary Force.

Backing Warrants.

Constabulary Warrants:

XXVII. Whenever any Warrant addressed to the Sub-Inspector of Constabulary, or to any Head or other Constable, shall be so certified and transmitted to the said Inspector General, the Manner in which it shall be backed for Execution elsewhere shall be as follows:

To any Constabulary District in Ireland:

1. Whenever it shall appear that the said Person or his Goods are to be found in any Place in *Ireland* (not being within the Police District of *Dublin* Metropolis), it shall be lawful for the said Inspector General or for either of the Deputy Inspectors General of Constabulary to indorse the said Warrant according to the Form (G c.) and to transmit the same to the Sub-Inspector who shall act for such Place, and the same shall be executed in like Manner as any Warrant addressed to him in the first instance:

To the Police District of Dublin Metropolis:

2. Whenever it shall appear that the said Person or his Goods are to be found in the Police District of *Dublin* Metropolis, it shall be lawful for the said Inspector General, or for either of the said Deputy Inspectors General, to indorse the said Warrant according to the Form (G c.), and to transmit the same to the Commissioners of Metropolitan Police, and the same shall be executed in like Manner as any Warrant addressed to them in the first instance:

To England, &c.

Inspector General, &c. to indorse;

and any Justice, &c. may back.

3. Whenever it shall appear that the said Person or his Goods are to be found in some Place in *England* or *Scotland*, or in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for the said Inspector General, or for either of the said Deputy Inspectors General, in like Manner as before, to indorse the Warrant, according to Form (G c.), and it shall thereupon be lawful for any Justice or Officer having Power to issue any Warrant, or Process in the Nature of a Warrant, for the Arrest of Offenders in any of the said Places, upon Proof on

on Oath of the Handwriting either of the Inspector or Deputy Inspector General by whom the same shall have been indorsed or of the Justice by whom the Warrant shall have been issued, to indorse the same, according to the Form (G c.), authorizing its Execution within the Jurisdiction of the said Justice or Officer by the Person bringing the same, or by any Constable or other Peace Officer of the County or Place where it shall be so indorsed: *Backing Warrants.*

And the said Provisions shall also apply to Cases in which the Sub-Inspector shall only certify that the Signature to the Warrant is genuine, but in which the Place where the said Person or his Goods are to be found shall appear by other Means than the said Certificate. The above Provisions also to apply to other Cases.

XXVIII. Whenever a Warrant shall be addressed to any other Person or Persons than the Constabulary, and it shall appear that the Person against whom the same shall have been issued or his Goods, as the Case may be, are not to be found within the County in which the Justice issuing the same shall have Jurisdiction, but in some other Place in *Ireland*, or in any of the Places out of *Ireland* herein-before mentioned, it shall be lawful for any Justice or other such Officer as aforesaid of such Place, upon Proof on Oath of the Handwriting of the Justice who shall have signed the Warrant, to indorse the same for Execution in such Place in like Manner as is herein-before provided as to any Warrant indorsed by the Inspector General of Constabulary. Warrants addressed to other Persons than the Constabulary.

XXIX. Whenever any Person against whom any Warrant shall be issued by any Justice or other such Officer as aforesaid in *England* or *Scotland*, or in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, for any Crime or Offence, shall reside or be, or be suspected to reside or be, in any Place in *Ireland*, it shall be lawful for the said Inspector General or for either of the said Deputy Inspectors General, or for any Justice of the said last-mentioned Place, to indorse the same in like Manner and upon like Proof as aforesaid, authorizing the Execution of the same within his Jurisdiction. Backing Warrants from England, &c. into Ireland.

XXX. The aforesaid Provisions as to the Indorsement of Warrants shall equally apply to any Warrants for the Arrest of any Person charged with any Indictable Crime or Offence for which he is punishable by Law, whether the same shall be signed or indorsed or issued by a Justice of the Peace, or by a Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer and General Gaol Delivery, in *England* or *Ireland*, or by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, in *Scotland*, or by the Chief or Under Secretary to the Lord Lieutenant. The above Provisions to apply also to Judges Warrants.

XXXI. When-

Backing Warrants.

Warrants so backed to be valid for Execution;

XXXI. Whenever any Warrant, addressed either to the Constabulary or to any other Person, shall be so indorsed by the said Inspector General or by either of the said Deputies Inspector General, or by any Justice or other such Officer as aforesaid, it shall be a sufficient Authority to the Person bringing such Warrant, and also to all Constables or Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same by Arrest, Committal, or Levy, as the Case may be, within the Jurisdiction of the said Justice or Officer, and in case of a Warrant to arrest any Person, to convey him when arrested before the Justice or Officer by whom the same was issued, or before some other Justice or Officer of the same County or Place, to be dealt with according to Law: Provided always, that if the Prosecutor, or any of the Witnesses for the Prosecution, in Cases of Indictable Offences, shall then be in the County or Place where any Person shall have been arrested under any Warrant so backed as aforesaid, the Constable or other Person who shall have arrested such Person shall, if so directed by the Justice who shall have indorsed the Warrant, bring the Person so arrested before him or some other Justice of the same County or Place, who may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect as herein-before directed with respect to Persons charged before a Justice with an Indictable Crime or Offence alleged to have been committed in any other County or Place than that in which such Person shall have been arrested.

but if the Prosecutor or Witnesses be on the Spot, Examinations may be taken.

Execution of Warrants.

When addressed to Constabulary;

when addressed to other Persons.

XXXII. The Manner in which Distresses and Committals under Warrants shall be made shall be as follows:

1. Whenever any Warrant to levy any Penal or other Sum by Distress shall be addressed to the Constabulary, the Sums levied under it shall be accounted for, under the Provisions of the "Fines Act, *Ireland*, 1851;" but whenever any such Warrant shall be addressed to any other Person than the Constabulary, such Person shall pay over the Sum levied under it to the Person who shall appear by such Warrant to be entitled to the same, or in such other Manner, and subject to such Account of the same, as the Justices shall direct:

Distress may be sold in a certain Time.

2. In every Case where a Distress shall be made under any such Warrant it shall be lawful for the Person charged with its Execution to sell the said Distress within such Period as shall be specially fixed by the said Warrant, or if no Period shall be so fixed, then within the Period of Three Days from the making of the Distress, unless the Sum for which the Warrant was issued, and also the reasonable Charges of taking and keeping the said Distress, shall be sooner paid; and in every Case where he shall sell any such Distress he shall render to the

the Owner the Overplus, if any, after retaining the Amount of the said Sums and Charges:

Execution of Warrants.

3. In every Case where any Person against whom any such Warrant shall be issued shall pay or tender to the Person having the Execution of the same the Sum in such Warrant mentioned, or shall produce the Receipt of the Officer of the Court for the same, and shall also pay the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Person shall refrain from executing the same:

On Payment of Penalty, &c. Distress not to be levied.

4. In every Case where any Sub-Inspector or Member of the Metropolitan Police Force shall be empowered to distrain any Goods under such Warrant, he may and is hereby authorized to sell or cause the same to be sold by Auction by any Head Constable of the said Constabulary Force, or by any Member of the said Metropolitan Police Force, as the Case may be, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred in effecting the same:

Distress may be sold by Auction without Licence.

5. In every Case where any Person who shall be apprehended under any such Warrant shall pay or cause to be paid to the Keeper of the Gaol in which he shall be imprisoned the Sum in the Warrant mentioned, the said Keeper shall receive the same, and shall thereupon discharge such Person if he be in his Custody for no other Matter:

If Sum paid after Committal, Prisoner to be discharged.

6. Whenever the Warrant shall be to commit any Prisoner to Gaol, the Head or other Constable or other Person whose Duty it shall be to convey such Prisoner to Gaol shall deliver over the said Warrant and the said Prisoner to the Keeper of the Gaol, who shall thereupon give to such Head or other Constable or other Person a Receipt for such Prisoner (Form F.), setting forth the State and Condition in which he shall have been delivered into the Custody of such Keeper:

Gaoler to give Receipt for Prisoners.

7. In any Case of Summary Jurisdiction in which a Justice shall order any Person to be committed to Gaol for any Period, either in default of Payment of any Sum, or in default of Distress, or as a Punishment for any Offence, such Committal shall be to the County Gaol, District Bridewell, or House of Correction of the County in which the Party shall be arrested, unless where such Arrest shall be made in any County adjoining to that in which the Warrant shall have been issued, in which Case the Committal shall be to any of the said Prisons of such last-mentioned County; and whenever any Justices shall order any Person to be committed on account of any Adjournment of the Hearing, or until the Return of a Warrant

To what Prisons Offenders shall be committed in Summary Proceedings.

Execution of Warrants.

Warrant of Distress, or for any like temporary Purpose, such Committal shall be either to the Gaol or House of Correction, District Bridewell, or to any Bridewell or Lock-up of the County built or supported by County Presentment, according as shall appear to the Justices most convenient for that Purpose.

Return of unexecuted Warrants.

XXXIII. Whenever the Person to whom any Warrant shall be so addressed, transmitted, or endorsed for Execution shall be unable to find the Person against whom such Warrant shall have been issued, or his Goods, as the Case may be, or to discover where such Person or his Goods are to be found, he shall return such Warrant to the Justices by whom the same shall have been issued within such Time as shall have been fixed by such Warrant (or within a reasonable Time where no Time shall have been so fixed), and together with it a Certificate (G a.) of the Reasons why the same shall not have been executed; and it shall be lawful for such Justice to examine such Person on Oath touching the Nonexecution of such Warrant, and to re-issue the said Warrant again, or to issue any other Warrant for the same Purpose from Time to Time as shall seem expedient.

Recognizances.

Mode of binding by Recognizance.

XXXIV. Whenever any Person shall be bound to appear, or to keep the Peace, it shall be done by a separate Recognizance (C.); but whenever any Person shall be bound to prosecute or to give Evidence as a Witness, it may be done either by Recognizance at Foot of his Deposition (A b.), or by a separate Recognizance at the Discretion of the Justice; and the taking of every Recognizance shall be subject to the following Provisions:

Amount of Recognizance:

1. It shall be in such Amount as the Justice shall, in his Discretion, think expedient, except in Cases of Appeal, in which the Amount shall be as herein-before provided:

To contain particular Description of Parties bound:

2. It shall particularly specify the Profession, Trade, or Occupation of every Person entering into the same, together with his Christian and Surname, and the Name of the Parish and Townland or Town in which he resides, and if he resides in a Town the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof, or a Lodger therein:

To be in Form in Schedule.

3. Every Recognizance so taken according to the Form in the Schedule to this Act, or to the like Effect, either at Foot of the Deposition or by a separate Form, shall have the like Force and Effect in binding the Lands, Tenements, Goods, and Chattels of the Persons acknowledging the same, and in all other respects, which any Recognizance now by Law has:

Recognizances to appear, &c.

And whenever the Condition of any such Recognizance shall be to appear at Assizes or Quarter Sessions, or at any Place other than before

before any Justice or Justices, or to perform the Duties of Petty Sessions Clerk, it shall be forwarded to the Clerk of the Crown or Peace as herein-before provided, and shall be liable, upon any Breach of the Condition thereof, to be estreated in the same Manner as any forfeited Recognizance to appear is now by Law liable to be estreated by the Court before which the principal Party thereto shall have been bound to appear: But whenever the Condition of such Recognizance shall be to keep the Peace, or to appear before any Justice out of Quarter Sessions, or to perform the Duties of a Pound Keeper, it shall be deposited with the Clerk of Petty Sessions of the District by the Justice by whom it shall have been taken, and upon Nonperformance of the Condition thereof any Justice who may then be there present may certify on the Recognizance the Nonperformance of the said Condition, and it shall thereupon be lawful for the Justices sitting at the Petty Sessions of the District, and in open Court, upon Proof of the Nonperformance of the said Condition, to make an Order to estreat such Recognizance to such Amount as they shall see fit, and thereupon to issue a Warrant (E a.) to levy such Amount by Distress and Sale of the Goods of the Parties who shall have acknowledged the same: Provided always, that in every Case where any Justices shall order any such Recognizance to be estreated, Proof shall be first made on Oath that Notice in Writing (stating the general Grounds on which it is intended to sustain the Application), was left at the usual Place of Abode of the Party, or of each of the Parties if more than One, against whom it is sought to put such Recognizance in force, at least Seven Days before the Day on which the Application to estreat such Recognizance shall be made.

at Assizes, &c. to be transmitted to Clerks of Crown, &c., and to be estreated by Court.

Recognizances to appear before Justices, or to keep the Peace, &c. to be deposited with Clerk of Petty Sessions;

and may be estreated by Justices;

after Proof on Oath of Notice to Parties.

XXXV. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices of the County sitting at Petty Sessions, shall be liable to forfeit for every such Offence or Neglect the Penalties herein-after mentioned; (that is to say,)

Offences against the Act.

Any Clerk of Petty Sessions who shall neglect or refuse to enter any Summons in the Order required under the Provisions of this Act shall be liable to a Penalty not exceeding Forty Shillings:

Entry of Summonses.

Any Clerk of Petty Sessions who shall demand or receive any other or different Fees, or any greater Amount of Fees, as to any Proceedings in any Case, than he can legally demand or receive under this Act, shall be liable to a Penalty not exceeding Five Pounds:

Clerk taking more than his legal Fees.

Any Person who whilst he shall hold the Office of Petty Sessions Clerk shall practise as an Attorney or Solicitor in any Case at

Clerk engaging in Occupation

inconsistent with his Duties.

at such Petty Sessions or at the Quarter Sessions of the Division of the County in which such Petty Sessions shall be situated, or who shall act as the Clerk of any Attorney or Solicitor so practising, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or as the Keeper or Partner in keeping any Inn or Public House, or who shall engage in any other Business or Occupation which the Justices or the Lord Lieutenant shall have forbidden as inconsistent with his Duties as Petty Sessions Clerk, shall be liable to a Penalty not exceeding Twenty Pounds:

Service of Summonses.

Any Summons Server or other Person who shall make any wilful Default in serving any Summons shall be liable to a Penalty not exceeding Forty Shillings:

Constabulary, &c. not returning Warrants or committing any wilful Default.

Any Sub-Inspector, Head or other Constable, or other Person who shall wilfully neglect to return any unexecuted Warrant at the Time required by the Justices, or who shall commit any wilful Default in respect to the Execution of the same, shall be liable to a Penalty not exceeding Five Pounds:

Retaining Petty Sessions Books, &c.

Any Person in whose Possession any Books, Papers, or other Effects belonging to the Justices at Petty Sessions, or relating to such Court, shall be, upon or after the Death, Resignation, Suspension, or Dismissal of any Petty Sessions Clerk, and who shall refuse to deliver up the same to the Sub-Inspector or Head Constable or other Person directed by the Justices under the Provisions of this Act to demand the same, shall be liable to a Penalty not exceeding Ten Pounds:

Hindering Search for Books, &c.

Any Person who shall oppose or hinder any Search under any Warrant issued by the Justices for the Discovery of any such Books, Papers, or other Effects, shall be liable to a Penalty not exceeding Five Pounds:

Any other Neglect of Duty.

Any Person having any other Duty to perform under the Provisions of this Act, and who shall wilfully neglect to perform the same, shall be liable to a Penalty not exceeding Five Pounds:

Justices may award the foregoing Penalties.

And it shall be lawful for the said Justices to award the said Penalties; and if the same shall be imposed upon any Member of the Constabulary Force, the Amount shall be deducted from his Pay; but if imposed on any other Person, then in default of Payment thereof forthwith, or at such Time as the Justices shall fix, such Person may be committed to Prison for the like Period, in proportion to the Amount of the Penalty imposed, for which the Justices are authorized to commit any Offender in default of Distress for any other Penalty under the Provisions of this Act.

XXXVI. In

Forms of Procedure.

Forms in the Schedule to be deemed valid, and the proper Forms in all Proceedings.

XXXVI. In all Proceedings under this Act the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Information or Complaint shall be made; but no Departure from any of the said first-mentioned Forms, or Omission of any of the Particulars required thereby, or Use of any other Words than those indicated in such Forms, shall vitiate or make void the Proceeding or Matter to which the same shall relate; if the Form used be otherwise sufficient in Substance and Effect, and the Words used clearly express the Intention of the Person who shall use the same; and it shall be sufficient in any of the Forms provided by this Act to state Sums of Money either in Words or Figures, according as the Person using the same shall see fit: Provided always, that it shall be lawful for the Lord Lieutenant, from Time to Time, with the Advice and Consent of the Privy Council, to extend the said Form of Order Book (D.) so far as to adapt it to any like Proceedings either new or not provided for therein: Provided also, that the Sealing of any Warrant or other Form of Procedure under this Act shall not be necessary in addition to the Signature of the Justice by whom the same shall be signed.

but Informality not to vitiate any Proceeding.

Form of Order Book may be extended by Lord Lieutenant in Council.

Warrants, &c. need not be sealed.

General Terms to be used in the Forms of Procedure.

XXXVII. And with a view to simplify Forms, the Prosecutor or Party at whose Instance the Proceeding shall take place may be termed in such Forms the "Complainant," whether he shall be an Informant or Prosecutor or otherwise; and the Matter of the Proceeding may be termed the "Complaint," whether founded on an Information or otherwise; and in Summary Proceedings the Decision of the Justices may be termed their "Order," whether the same shall be a Conviction or otherwise.

Description of the Property of Partners, &c.;

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials for Roads;

XXXVIII. It shall be sufficient, in any Information or Complaint, or the Proceedings thereon, to describe the Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, as the Property of any One of such Persons who shall be named, and of another or others, without naming them, as the Case may be; and any Work or Building made, maintained, or repaired at the Expense of any County or Place, or any Materials for the making, altering, or repairing of the same, as the Property of the Inhabitants of such County or Place respectively; and any Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor, as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and any Materials and Tools provided for the Repair of Highways at the Expense of Baronies or other Districts in which such Highways

of the Property in Materials for Turnpike Roads, &c.

of the Property of Commissioners, &c.

ways may be situate as the Property of the County Surveyor or Surveyors respectively, without naming him or them; and any Materials or Tools provided for making or repairing any Turnpike Road, and any Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and any Property of any Persons described in any Act of Parliament, or in any Charter or Letters of Incorporation, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever, as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them; and whenever it may be necessary to mention any of such Persons or Parties in any Suit, Information, or Complaint, it shall be sufficient to describe them in manner aforesaid.

No Objection to be allowed for any Variance between Information and Evidence as to Time or Place of committing Offence, if Information be in Time, or Offence be actually committed within the Jurisdiction.

No Objection to be allowed for Defect of Substance or Form in Warrant, or for any Variance between it and Evidence adduced; but if the Party charged is deceived by such Variation or Defect, he may be committed or discharged upon Recognizance till adjourned Hearing.

XXXIX. In Cases of Summary Proceedings no Variance between the Information or Complaint and the Evidence adduced in support thereof, as to the Time at which the Offence or Cause of Complaint shall be alleged to have been committed or to have arisen, shall be deemed material, if it be proved that such Information or Complaint was in fact laid or made within the Time limited by Law for laying or making the same; and any Variance between such Information or Complaint and the Evidence adduced in support thereof, as to the Place in which the same shall be alleged to have been committed or to have arisen, shall not be deemed material, provided that the said Offence or Cause be proved to have been committed or to have arisen within the Jurisdiction of the Justice or Justices by whom such Information or Complaint shall be heard and determined; and no Objection shall be taken or allowed in any Proceedings to any Information, Complaint, Summons, Warrant, or other Form of Procedure under this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between any Information, Complaint, or Summons and the Evidence adduced on the Part of the Complainant or Prosecutor at the Hearing of the Case in Summary Proceedings, or at the Examination of the Witnesses by a Justice or Justices in Proceedings for Indictable Offences: Provided always, that if any such Variance or Defect shall appear to the Justice or Justices at the Hearing to be such that the Defendant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime, in Cases of Proceedings for Offences, to commit the said Defendant to Gaol, or to discharge him, upon his entering into a Recognizance conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned:

Miscellaneous Provisions.

XL. No Receipt required to be given under the Provisions of this Act shall be subject to any Stamp Duty payable to the Crown.

Receipts not to be subject to Stamps.

XLI. Nothing in this Act shall extend to the Police District of *Dublin* Metropolis, or alter or affect in any Manner whatsoever any of the Provisions or Enactments contained in any Act regulating the Powers and Duties of Justices of the Peace or of the Police of the District of *Dublin* Metropolis, or be deemed applicable in any way to the same, save so far as relates to the backing or executing of any Warrants, or to alter the Provisions of any Act or Acts whereby any Part of any County is annexed for the Purpose of Criminal Proceedings to any other County, or whereby any Offences committed in One County are authorized to be tried in any other County.

Act not to extend to Police District of Dublin Metropolis.

XLII. Nothing in this Act shall extend or be construed to extend to any Information or Complaint or other Proceeding under or by virtue of any of the Acts relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, or relating to the Preservation of Game, except that all Proceedings as to the same may be in the Forms of Procedure required by this Act, or as near thereto as the Circumstances of the Case will admit.

Act shall not extend to Revenue, &c. Cases.

XLIII. The following Acts and Parts of Acts, so far as the same relate to *Ireland*, shall, from and after the First Day of *November* One thousand eight hundred and fifty-one, be and the same are hereby repealed; that is to say, an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, so far as relates to any Proceeding by Justices in or out of Petty Sessions; and an Act passed in the Sixth and Seventh Years of King *William* the Fourth, intituled *An Act to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King* George *the Fourth, for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, so far as relates to any Proceedings by Justices in or out of Petty Sessions; and an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences;* and an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Summary Convictions and Orders;* and all other Act or Acts or Parts of Acts

After Commencement of this Act the following Statutes and Parts of Statutes repealed:

7 & 8 G. 4. c. 67.

6 & 7 W. 4. c. 34.

12 & 13 Vict. c. 70.

12 & 13 Vict. c. 69.

Acts which are inconsistent with the Provisions of this Act, except as to Proceedings now pending to which the same or any of them are applicable.

Interpretation of Terms

XLIV. In the Interpretation of this Act and of the Schedules thereto annexed, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City," "County of a Town," or "Riding of a County," as the Case may be; the Expression "Summary Jurisdiction" shall be deemed to mean any Case as to which a Summary Conviction or Order may be made by a Justice or Justices out of Quarter Sessions; and "Summary Proceedings" shall mean any Proceedings in respect to such Case; the Word "Complaint" shall include "Information," and "Complainant" shall include "Informant" or "Prosecutor;" the Word "Order" shall include "Conviction;" the Words "Lord Lieutenant" shall include any other "Chief Governor or Governors of *Ireland*;" the Word "Quarter Sessions" shall include any General Sessions of the Peace for the County; the Word "Justice" shall mean "Justice of the Peace," and shall include the "Chief Magistrate" for the Time being or the "Borough Justices" of any Corporate Town; the Word "Constabulary" shall mean the Constabulary Force of *Ireland*; the Words "proper Officer of the Recorder's Court," shall mean the Town Clerk where there shall be a Town Clerk, and where there shall be no Town Clerk, the Person whose Duty it shall be to make Entries of the Proceedings; the Word "Month" shall mean "Calendar Month;" the Word "Gaol" shall include any "House of Correction" or "Bridewell," or other "Place" of Imprisonment of the County; the Word "Keeper of the Gaol" shall include "Bridewell Keeper," or the Keeper or Governor of any other Prison; the Word "Goods" shall include "Chattels;" and the Word "Oath" shall include "Affirmation" or "solemn Declaration," as the Case may be; and the References in this Act by Letters to the Forms to be used shall be to the Forms in the Schedule to this Act annexed.

Short Title of Act.

XLV. In citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Petty Sessions (*Ireland*) Act, 1851."

Commencement of Act.

XLVI. The First and Second Sections of this Act shall commence and take effect upon the passing of the Act, and the other Sections of the Act shall commence and take effect upon the First Day of *November* One thousand eight hundred and fifty-one.

XLVII. This

XLVII. This Act shall extend and be construed to extend to *Ireland* only, save and except the several Provisions herein-before contained respecting the backing and Execution of Warrants and the taking of Examinations; and nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of the Court of Queen's Bench in *Ireland*.

Act to extend to Ireland only, and not to affect Jurisdiction of Court of Queen's Bench.

XLVIII. The Schedule to this Act annexed shall be deemed to be Part of this Act.

Schedule to be Part of Act.

SCHE-

SCHEDULE.

*** The Words in the Margin in *Italics*, or Words to the like Effect, are to be used according to the Circumstances of each Case.

Forms (A.)—Proofs.

(A a.) *Information.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

The Information of *A.B.* of *M.N.* who saith on his (1) that (2)

Taken before me, this Day of in the Year Eighteen hundred and fifty at in the said County.

Signed _____ Justice of said County.

(1) *Oath* or *Affirmation.*
(2) State Cause of Complaint, with Time and Place.
Adding:—
For the Arrest of a Witness *And he further saith that X.Y can give material Evidence, but is not likely to attend voluntarily*; or, *(and is keeping out of the way of personal Service of Summons)*; or, for Sureties for the Peace, *And he makes this Information for the Safety of his Person and Property, and not from Malice or Revenge against the said C.D.*

(A b.) *Deposition of a Witness.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

The Deposition of *X.Y.* of *M.N.*, taken in the Presence and Hearing of *C.D.*, who stands charged that (1)

The said Deponent saith on his (2) that (3)

(1) Cause of Complaint, with Time and Place.
(2) *Oath* or *Affirmation.*
(3) Deposition as nearly as possible in the Words of the Witness, and to be signed by him, if he will.

(A c.) *Statement of the Accused.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

A Charge having been made against *C.D.* before the undersigned Justice that (1)

and the said Charge having been read to the said *C.D.*, and the Witnesses for the Prosecution having been severally examined in his Presence, and the said *C.D.* having been first duly cautioned that he was not obliged to say anything, but that whatever he did say might be given in Evidence against him upon his Trial, saith as follows: (2)

Taken before me this Day of in the Year Eighteen hundred and fifty at in said County.

Signed Justice of said County.

(1) Cause of Complaint, with Time and Place.
(2) Statement of Prisoner in his very Words, or as nearly so as possible, and to be signed by him, if he will.

*** In all Forms of Procedure the Name and Description of each Party is to be specified in like Manner and with the same Particulars as is required by this Act (Sect. XXXV.) as to any Party bound by a Recognizance.

* The Informant or Witness may be bound to prosecute or give Evidence by the following Form of Recognizance at Foot of his Information or Deposition:

And the said Informant (*or* Deponent) binds himself to attend at on the to prosecute (*or* to give Evidence) against the said *C.D.* for the said Offence, or otherwise to forfeit to the Crown the Sum of

Signed _____ Informant (*or* Deponent).

Taken before me this Day of in the Year Eighteen hundred and fifty at in the said County.

Signed _____ Justice of said County.

(A d.) *Solemn Declaration.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

(1) MATTER of Declaration.

I *A.B.* do solemnly and sincerely declare, That (1)

and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

Signed _____

Made and subscribed before me, this Day of in the Year Eighteen hundred and

Signed _____ Justice of said County.

FORMS (B.)—PROCESS TO ENFORCE APPEARANCE.

(B a.) *Summons.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

(1) CAUSE of COMPLAINT, with Time and Place.

(2) Insert: *Defendant* or *Witness.*

Whereas a Complaint has been made to me that (1)

This is to command you to appear as a (2) on the Hearing of said Complaint at on the Day of at o'Clock, before such Justices as shall be there.

Signed _____ Justice of said County,
This Day of 185

To _____ of _____

(B b.) *Warrant to arrest.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

(1) CAUSE of COMPLAINT, with Time and Place.

(2) If the Case be so, add—
For Defendant,
Whereas the said C.D. *has neglected to appear in obedience to a Summons.*
For Witness,
Whereas Oath has been made that X.Y. *can give material Evidence, but will not attend voluntarily;* or, *is purposely keeping out of the way of personal Service of a Summons.*
If after Indictment—
It has been certified to me that (state as in Certificate of Clerk of Crown or Peace).

(3) PERSON against whom Warrant is issued.

(4) ADDRESS.
"*The Sub-Inspector of Constabulary,*" or Name of Person who is to execute the Warrant.

Whereas a Complaint has been made on Oath and in Writing that (1)

and (2)

This is to command you to whom this Warrant is addressed to arrest the said (3) _____ of _____ and to bring him before me or some other Justice of the County to answer to the said Complaint.

Signed _____ Justice of said County,
This Day of 185

To (4) _____ of

FORM (C.)—RECOGNIZANCE (to appear, &c.)

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas (1)

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation, viz., to (2)

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following, viz.:—The said principal Party the Sum of and the said Sureties the Sum of each, in case the said principal Party fails to perform the above Obligation.

Signed { *M.N.* ——— Principal Party.
O.P. ——— } Sureties.
Q.R. ——— }

Taken before me this Day of at

Signed _____ Justice of said County.

I certify that the said *M.N.* has not performed the above Obligation.

Signed _____ Justice (*or* Clerk of Peace, &c.)
This Day of 185 .

I order that the Sum of be levied off the Goods of the said *M.N.*, and the Sum of off the Goods of each of the said Sureties *O.P.* and *Q.R.*

Signed _____ Justice of said County.
This Day of 185 .

(1) *In binding a Party, &c., state* CAUSE of COMPLAINT, with Time and Place:
In binding Petty Sessions Clerk or Pound Keeper, state Fact of his Appointment.

(2) OBLIGATION.
To attend (the Court of Assizes, or Quarter Sessions, or Petty Sessions,) at on the Day of at o'Clock, and there:—
To prefer (or prosecute, or give Evidence upon) a Bill of Indictment against the said C.D. for the said Offence;
or
To surrender himself to the Keeper of the Gaol at F., and plead to any Indictment found against him for said Offence, and take his Trial for the same;
or
To prosecute (or answer) to said Complaint;
or
To prosecute his Appeal against the Order made on the Day of upon the said Complaint, and not depart the Court without Leave;
or
To keep the Peace (and be of good Behaviour) towards all Her Majesty's Subjects, and particularly towards A.B. for the Space of ;
or
To perform faithfully and diligently the several Duties required of him as Petty Sessions Clerk under the Provisions of "The Petty Sessions Act, Ireland, 1851;"
or
To perform faithfully and diligently the several Duties required of him as Pound Keeper under the Provisions of "The Summary Jurisdiction Act, Ireland, 1851."

(3) FORFEITURE.

(4) ESTREAT.

Petty Sessions (Ireland).

FORM (D.)—ORDER BOOK.

County of _____ Petty Sessions of _____

Month of _____	Parties, &c.		Cause of Complaint.	Order.									Whether Sums paid in Court, or Warrant issued.
					1. Sums awarded.			2. Imprisonment.		3. Special Order.			
No. (for the Month.)	Name of Case. ——— *Compt.* v. ——— *Deft.*	Witnesses examined.		Name, Description, and Residence of Person against whom Order is made.	To whom. *Crown* - *Complainant* *Costs* -	Amount to each. £ s. d.	When to be paid.	In what Event. *In addition,* or *In default of Payment* (or *of Distress*).	For what Period, and whether with or without Hard Labour.	Ejectment.—*To be ejected from the Premises of* —— *in* —— *Days.* Dismissal.—*This Complaint to be dismissed on the Merits* (or *without Prejudice*) *with Costs to Defendant.*	Act under which Order is made.	Signature of Justice.	

FORMS (E.)—WARRANTS.

(E a) *Warrant of Execution (Summary Jurisdiction).*

———*Complainant.* } Petty Sessions District of ———
———*Defendant.* } County of ———

Whereas upon the Hearing of a Complaint that (1)

an Order was made on the Day of by the Justices present against the said:—

(2)

of

to the following Effect, viz.:—(3)

And whereas (4)

And whereas the said Order has not been complied with. This is to command you to whom this Warrant is addressed to execute the said Order against the said Person as follows:—(5)

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

The Sum levied to be paid to (6)

The Warrant to be returned in Days if not executed.

Signed Justice of said County.

This Day of 185 .

To (7) of

(1) CAUSE of COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

(2) PERSON against whom Order was made.

(3) ORDER.

Imprisonment in addition or default.

Fine or Debt. *To pay for Fine (or Debt) the Sum of and for Costs the Sum of (forthwith), or (in Days.)*
And also in addition, or
And in default of Payment (or *Distress*).
Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

(4) RECITALS.

After Appeal. *The Court of Appeal decided on the Day of that* (Order).

No Distress. *He has* (or *admits that he has, or it has been returned to a Warrant of Distress that he has*) *no Goods.*

Distress ruinous. *A Distress would be ruinous to him* (or *to his Family*).

(5) EXECUTION.

Committal in addition or default.

To distrain. *To levy said Sums by Distress and Sale of his Goods.*
And in addition, or
And in default of Distress.

To commit. *To lodge him in the Gaol at F., to be imprisoned there for the Period of with* (or *without*) *Hard Labour (unless said Sums be sooner paid).*

To eject. *To enter and give Possession of said Premises to the Complainant or his Agent in Days.*

(6) PAYMENT.

In all Warrants to Constabulary insert "*Clerk of Petty Sessions,*" In all other Warrants insert Name of Person to whom Sum was ordered to be paid, if the Justices so think fit.

(7) ADDRESS.

"*The Sub-Inspector* (or *Head Constable*) *of Constabulary,*" or Name of Person who is to execute the Warrant.

(E b) *Warrant to commit (or detain) for Trial, &c.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint was made on the Day of on the Oath of *X.Y.* that (1)

and (2)

This is to command you to whom this Warrant is addressed to lodge the said (3) of in the Gaol at *F.*, there to be imprisoned by the Keeper of said Gaol, as follows:— (4)

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

Signed Justice of said County.
This Day of

To (5) of

(1) CAUSE of COMPLAINT, with Time and Place.
(2) RECITALS.
If Indictment found—
Whereas a Bill of Indictment has been found against the said C.D. for the said Offence.
Adjournments—
Whereas the Hearing of the said Complaint has been adjourned to the Day of at .
Remands on Arrest—
Whereas the said C.D. has been brought before me under a Warrant of Arrest, and the said Complaint is to be heard on the Day of at .
Refractory Witness—
Whereas X.Y., a material Witness, has, without just Excuse, refused to make Oath as a Witness (or *to answer certain Questions*) (or *to enter into Recognizance to give Evidence on the Trial of the said C.D.*) *in that Behalf.*
(3) NAME of Person to be committed.
(4) PERIOD of Imprisonment.
For Trial—
Until his Trial for said Offence and he shall be discharged by due course of Law.
For Witness—
Until the Trial of the said C D. unless he shall in the meantime enter into such Recognizance as required (or *until the Day of unless he shall in the meantime consent to answer as required*).
For Adjournments—
Until the above Time of Adjournment (or *Hearing*) *when he shall have him at the above Place.*
(5) ADDRESS.
"*The Sub-Inspector* (or *Head Constable*) *of Constabulary,*" or Name of Person who is to execute the Warrant.

(E c) *Warrant to convey before a Justice of another County.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint was made that (6)

And whereas I have taken the Deposition of *X.Y.* as to the said Offence.

And whereas the other Witnesses reside in the County of

This is to command you to convey the said (7) of before some Justice of the last mentioned County, near the above Place, and to deliver to him this Warrant and the said Deposition.

Signed Justice of the first-mentioned County.
This Day of 185 .

To (8) of

(6) CAUSE of COMPLAINT, with Time and Place.
(7) NAME of accused Person.
(8) ADDRESS
"*The Sub-Inspector* (or *Head Constable*) *of Constabulary,*" or Name of Person who is to execute the Warrant.

(E d) *Warrant to discharge from Gaol.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

Whereas a Complaint was made that (1)

and whereas the said
(2) _____
of _____
(3)

This is to command you to discharge the said Person so committed, unless he shall be in your Custody for some other Cause.

Signed _____ Justice of said County.
This Day of 185 .

(4) To the Keeper of the Gaol at _____

(1) CAUSE of COMPLAINT, with Time and Place.

(2) NAME of Prisoner.

(3) RECITALS.
For Accused,
Was committed to take his Trial for said Offence, but has now duly entered into Recognizance to appear for that Purpose.
For Witness,
Was committed for refusing to enter into Recognizance to give Evidence on the Trial of C.D. for said Offence, but has now done so (or and the said C.D. for Want of Evidence has not been bailed or committed).

(4) ADDRESS.

(E e) *Warrant to search.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of———

Whereas it appears on the Oath of *A.B.* of *M.N.*, that the following Articles of Property, viz. (1)

were stolen, and that there is Reason to suspect that the same is concealed in at .

This is, therefore, to authorize and require you to enter in the Daytime into the said Premises, and to search for said Property, and to bring the same and the Persons in whose Possession the same may be found before me or some other Justice.

Signed _____ Justice of said County.
This Day of 185 .

(2) To _____ of _____

(1) DESCRIPTION of Articles stolen.

(2) ADDRESS.
"*The Sub-Inspector* (or *Head Constable*) *of Constabulary*," or Name of Person who is to execute the Warrant.

FORM (F.)—RECEIPT FOR PRISONER.

County of ———

I hereby certify, that I have received from *A.B.* (1) of the Body of *C.D.*, together with a Warrant under the Hand of *J.S.*, Esq., Justice for the County of , and that the said Prisoner was (2) at the Time he was so delivered into my Custody.

Signed _____
Keeper of the Gaol at
This Day of 185

(1) NAME, Rank, &c.

(2) "*sober*," or as the Case may be.

FORMS (G.)—INDORSEMENTS ON WARRANTS.

RETURN of no Person or Goods.
(1) *The Person,*
or
Sufficient Goods of the Person.

(1) (G a) I certify that after diligent Search (and for the following Reasons):

against whom the within Warrant was issued, cannot be found.

Signed _____ { To whom this Warrant was delivered for Execution.

This Day of 185 .

CERTIFICATE of no Person or Goods.
(2) For Constabulary—*Certify.*
For Bailiff—*Make Oath.*
(3) *Is to be found,*
or
Has Goods.

(G b) I (2) that I have Reason to believe that the Person against whom the within Warrant was issued (3)

at in the County of and that I believe the Signature to the within Warrant to be in the Handwriting of the said Justice.

Signed _____ { To whom this Warrant was delivered for Execution.

This Day of 185 .

To _____ of _____

BACKING by Inspector General or other Justice.
(4) For Commissioners of Police or Constabulary—*Certified.*
For Bailiff—*Proved on Oath.*
(5) In backing Warrant to arrest, add, if so intended—
and to bring the said Person before me or some other Justice of said County.

(G c) It being (4) to me as above, I hereby indorse the within Warrant for execution in said County of ——— (5) (or Metropolitan District or other place).

Signed _____

Inspector General (or Deputy, or Justice).

This Day of 185 .

To _____

FORM (H.)—APPEAL.

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

I certify, that upon the hearing of a Complaint that (1)

(1) CAUSE of COMPLAINT, with Time and Place.

an Order was made on the Day of by the Justices present against the said
(2)
of
to the following Effect, viz. :—(3)

(2) PERSON against whom Order was made.

(3) ORDER.

Fine or Debt. *To pay the Sum of to the Crown, and the Sum of to the Complainant with Costs (forthwith), or (in Days).*
And in addition, or
And in default of Payment (or Distress),
Imprisonment *To be imprisoned for the Period of with (or without) Hard Labour.*
(In addition or default)
Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*
Dismissal *That his Complaint be dismissed on the Merits (or without Prejudice), and that he do pay the Sum of to the Complainant for Costs*

Signed _____
Justice of the said County.
This Day of 185 .

The Person against whom said Order was made hereby appeals against the same to the next Court of Quarter Sessions (or Recorder's Sessions) to be held at

Signed _____, Appellant.
This Day of 185 .

CERTIFICATE by Clerk of Petty Sessions.

I certify, that Notice of said Appeal was duly given.
And that the said Appellant has duly entered into a Recognizance to prosecute said Appeal.

Signed _____
Clerk of above Petty Sessions.
This Day of 185 .

CERTIFICATE by Clerk of Peace or Officer of Recorder's Court of Order made on Appeal.

I certify, that upon the hearing of said Appeal on the Day of the Court of Quarter Sessions (or Recorder) ordered that (state Order).

Signed _____
Clerk of the Peace (or Officer of the Recorder's Court).
This Day of 185 .

FORMS (I.)—CERTIFICATES.

(I a) *Certificate of Order.*

——— *Complainant.* } Petty Sessions District of ———
——— *Defendant.* } County of ———

(1) CAUSE OF COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

I certify, that upon the hearing of a Complaint that (1)

an Order was made on the Day of by the Justices present against (2)
of
to the following Effect, viz. :—(3)

(2) PERSON against whom Order was made.

(3) ORDER.

Imprisonment in addition or default.

Fine or Debt. *To pay for Fine* (or *Debt*) *the Sum of and for Costs the Sum of (forthwith)*, or (*in Days*).
And in addition, or
And in default of Payment (or *Distress*).
Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

Signed ——— Justice of said County.
This Day of 185 .

(I b) *Of Indictment being found.*

County of ———

(1) "*Court of Oyer and Terminer, and General Gaol Delivery,*" or *Court of Quarter Sessions.*

I hereby certify, that at the (1)
held at in the said County on the
Day of a Bill of Indictment
was found by the Grand Jury against *C.D.*, therein described as *C.D.* of *N.*, for that on the Day of
at (2)
and that the said *C.D.* has not appeared or pleaded to said Indictment.

(2) OFFENCE as in Indictment.

Dated this Day of .
Signed,
Clerk of Crown [*or* Peace],
This Day of 185 .

(I c) *Of Consent to Bail.*

Petty Sessions District of ———
County of ———

Whereas on the Day of
C.D. was committed to the Gaol at charged
with (a)

(a) OFFENCE.

I hereby consent to the said *C.D.* being bailed by Recognizance, himself in the Sum of and [Two] Sureties in the Sum of each.

Signed, ——— Justice of said County.
This Day of 185 .

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1851.

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

***

King's Field aforesaid, subject to certain ancient Mineral Laws and Customs, and upon paying certain Duties to Her Majesty and Her Predecessors, and Her and their Lessees for the Time being: And whereas for the Regulation of the said Mines, and for deciding Questions of Title and other Matters relating thereto, there have existed within the *King's Field* aforesaid certain Courts called the Great Barmote Court and the Small Barmote Court: And whereas the Mineral Laws and Customs of the *King's Field* aforesaid are uncertain and undefined, and are in many respects inapplicable to the present Mining Operations within the *King's Field* aforesaid: And whereas Doubts have arisen whether the Jurisdiction of the Barmote Courts extends over such Parts of the said Hundred of *High Peak* within which Her said Majesty is entitled to the Mineral Duties, but which are not included in the *King's Field* aforesaid, although the same Rights of Mining are exercised therein: And whereas it is advisable that the said Mineral Laws and Customs should be revised, altered, and amended so as to be made applicable to the present State of Mining Operations within the said Hundred, and that the Jurisdiction of the said Great and Small Barmote Courts should be more clearly defined and settled: And whereas the Most Noble *William Spencer* Duke of *Devonshire* is the Lessee of the said Duties by Grant under the Seal of Her Majesty's Duchy of *Lancaster:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. That in citing this Act in other Acts of Parliament, and in legal Instruments and on all other Occasions, it shall be sufficient to use the Expression "The *High Peak* Mining Customs and Mineral Courts Act, 1851," and that the Schedules to this Act shall be considered as forming Part thereof.

Interpretation Clause.

II. That in construing this Act the following Words and Expressions shall have the Meaning hereby assigned to them, unless there be something in the Context of the Act repugnant to such Construction; that is to say,

The Word "Steward" shall mean Deputy Steward:

The Words "County Court" shall mean any County Court having Jurisdiction over any Part of the District over which the Barmote Courts have Jurisdiction by this Act:

The Word "Gift" shall mean the setting out by the Barmaster of any Ground in manner herein-after provided:

The Word "Founder" shall mean the Point at which a Vein of Ore shall be first found; and the Words "Founder Meers" shall mean

mean the Two first Meers to be set out to the Finder under the Provisions of this Act:

The Words "Mine or Mines, Vein or Veins," shall mean a Mine or Mines, Vein or Veins, of Lead Ore, and shall include Parts of or Shares in any Mine or Vein as well as entire Mines and Veins, and all Minerals containing Lead Ore:

The Word "Ore" shall mean Lead Ore and Belland exclusively:

The Word "Barmaster" shall include Deputy-Barmasters:

The Words "Mineral Property" shall include Mines and Veins of Lead, and Parts of or Shares in any such Mines or Veins, and the Works, Rights, and Appurtenances connected therewith, and also Lead Ore, and all Tools, Materials, Goods, Chattels, and Effects used in searching for, getting, cleansing, or preparing Lead Ore, whether such Tools, Materials, Goods, Chattels, or Effects be or be found in or upon any Mine or Works or elsewhere.

Steward.

III. From and after the passing of this Act it shall be lawful for the Queen's most Excellent Majesty and Her Successors to nominate and appoint, from Time to Time, by Letters Patent under the Seal of the Duchy of *Lancaster*, a fit and proper Person, being a Barrister-at-Law of Five Years standing, or a Member of One of the Inns of Court who has practised as a Special Pleader for Ten Years, or an Attorney or Solicitor of some of the Superior Courts of Law or Equity at *Westminster* of Seven Years standing, to be and to be called the Steward of the *High Peak* Barmote Courts, and such Steward shall hold his Office during the Will and Pleasure of Her Majesty and Her Successors.

Steward may appoint a Deputy.

IV. It shall be lawful for the Steward to appoint from Time to Time a Deputy Steward qualified to be appointed Steward of the said Court, to act for him at any Time when he shall be prevented by Illness or unavoidable Absence from acting in such Office, and to remove such Deputy at his Pleasure, and such Deputy while acting under such Appointment shall have the like Powers and Privileges, and be subject to the like Provisions, Duties, and Penalties for Misbehaviour, as if he were the Steward of the Court for the Time being.

Duties of Steward.

V. The Duties of the said Steward shall be to receive and enter Plaints in a Book to be kept by him for that Purpose, which may be in the Form comprised in the Second Schedule to this Act; to issue Summonses, to hold and preside at the Great and Small Barmote Courts; to issue Precepts under his Hand to the Barmaster for summoning the Attendance of the Grand Jury on Views and at the Great

Great Barmote Courts, and also Precepts to the Barmaster for summoning and empannelling Jurors for the Trials of Causes at the Small Barmote Courts; to administer Oaths to the Barmaster, Deputy Barmaster, Jurors, Witnesses, or other Persons (at and out of the Great and Small Barmote Courts); to preside as Judge on the Trial of Causes at the Small Barmote Courts; to tax Costs in all Cases where by this Act Costs are or may be given; to attend and preside at Views; to sign and issue Subpœnas for the summoning of Witnesses and the Process of the Courts, both mesne and final, and all Rules and Orders of the Courts, and Warrants for enforcing the Judgments of the Courts, and levying Penalties; to make Returns to Writs of Certiorari; to advise the Barmasters and Grand Juries and other Juries upon Matters of Law, and all other Matters connected with their respective Duties; to affix the Seal of the Barmote Courts to such Documents as require the same; to hear and determine Applications to the Courts which do not require the Intervention of a Jury, and to make Orders thereon, upon such Terms as to the Payment of Costs by either Party or otherwise as may to him seem just; to keep the Verdicts, Judgments, Books, and Proceedings of the Great and Small Barmote Courts, and the Seal of the said Courts, and also all Books and Accounts herein-after provided to be kept and delivered to the Steward by the Barmaster, safe and in good Condition, and to deliver up the same to Her Majesty and Her Successors whenever required; and generally to do and perform such other Acts and Duties as are in this Act mentioned as Acts and Duties to be performed by the Steward.

Courts to be held.

VI. Two Great Barmote Courts shall be held every Year, One on the First *Tuesday* in the Month of *April*, and the other on the First *Tuesday* in the Month of *October*, but if the First *Tuesday* in *April* be in Passion Week or *Easter Tuesday*, or a Day appointed for a Public Fast or Thanksgiving, then such Court shall be held on the *Tuesday* next after, instead of being holden on such First *Tuesday;* and Small Barmote Courts shall be held from Time to Time as Occasion shall require, but not on the Days appointed for the holding of the Great Barmote Courts; the Great Barmote Courts shall be held at *Monyash* in the County of *Derby*, and the Small Barmote Courts at any Place within the Jurisdiction of the said Courts which may be appointed by the Steward, which Place may be varied at any Time or from Time to Time.

Business at Barmote Courts.

VII. The Matters to be transacted at the Great Barmote Courts shall be the swearing in of the Grand Jury, and such other Matters as are in this Act mentioned as being Matters to be transacted at the

the Great Barmote Courts; and the Matters to be transacted at the Small Barmote Courts shall be the Trial of Actions of Title, Trespass, and Debt, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Small Barmote Courts.

Seal of the Courts.

VIII. There shall be a Seal or Stamp provided by the Steward, with the Words "The Seal of the *High Peak* Barmote Courts" thereon, and all Proceedings in the Great and Small Barmote Courts which are required to be signed by the Steward shall be sealed or stamped therewith.

Barmasters.

IX. It shall be lawful for Her Majesty and Her Successors to appoint during Pleasure only (by Letters Patent under Seal of the Duchy of *Lancaster*) a fit and proper Person to serve the Office of Barmaster of the District within the Jurisdiction of the Barmote Courts, and to be called the Barmaster of the *High Peak;* and the Barmaster for the Time being may (with the Consent in Writing of the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee then with the Consent in Writing of Her Majesty or Her Successors, or of the Chancellor for the Time being of the Duchy of *Lancaster*,) nominate Seven fit and proper Persons to serve the Office of Deputy Barmaster, One for each of the Seven smaller Liberties or Districts aforesaid; and the Deputy Barmaster for the Time being of the Liberty or District of *Castleton* shall be also the Deputy Barmaster for such Part of the Hundred of *High Peak* aforesaid as is now vested in Her Majesty in right of Her Duchy of *Lancaster*, but is not within the *King's Field;* and such Deputy Barmasters shall respectively continue in Office during the Continuance in Office of the Barmaster by whom they were appointed, or until they shall be removed as hereinafter mentioned: Provided always, that the Barmaster may, with such Consent as aforesaid, appoint the same Person to act as Deputy Barmaster for any Two or more of the said smaller Liberties.

Barmaster not to be answerable for his Deputies.

X. The Barmaster shall not be answerable for the Acts of the Deputy Barmasters.

Removal of Deputy Barmasters.

XI. It shall be lawful for the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee then for the Chancellor for the Time being of the Duchy of *Lancaster*, to remove any Deputy Barmaster from his Office at the Pleasure of such Lessee and Chancellor respectively.

Barmasters to take Oath.

XII. The Barmaster and Deputy Barmasters respectively may act as such without being sworn, but shall, before or at the Great Barmote Court next after their respective Appointments, be respectively sworn well and truly to serve the Office to which they are appointed, or such Appointment shall be void.

Duties of Head Barmaster.

XIII. The Duties of the Barmaster shall be to execute all such Precepts and Warrants as shall be directed to him, and signed by the Steward and sealed with the said Seal, to attend on Views with the Steward and Deputy Barmaster of the District in which the Mine to be viewed is situate, and where there is no Deputy appointed for any District, to perform all the Duties of the Office of Deputy of such District until a Deputy is appointed, and generally to do and perform such other Acts and Duties as are in this Act mentioned as being Acts or Duties to be done or performed by the Barmaster.

Duties of Deputy Barmasters.

XIV. The Duties of the Deputy Barmasters, whether the Barmaster be absent or present, shall be, to serve Summonses in Actions in the Small Barmote Court relating to Mineral Property within their respective Districts; to serve Summonses on Jurors within their respective Districts; to attend Views on Mines within their respective Districts; to collect the Dues payable within their respective Districts to Her Majesty and Her Successors, or to Her or their Lessee for the Time being, and to keep Accounts of such Dues; to keep a Book, and make therein written Entries and Particulars of all Meers of Ground which shall be measured and set out by them under the Provisions of this Act, and also of all Transfers of Mines which may be made as herein-after provided, and also of all Freeings and other Matters connected with the Mines within their respective Districts; to sign such Book, and to deliver the same half-yearly, together with a fair Copy of the aforesaid Accounts and Entries, also signed by them respectively, each such half-yearly Account to end with the Twenty-fifth of *March* or Twenty-ninth of *September*, to the Steward at the Great Barmote Court next after the Day to which such Accounts shall be made up, or, with the Consent of the Steward, at any Adjournment of the said Court, to produce any such Book, and to make and deliver other fair Copies of the aforesaid Accounts at any other Time, upon Demand being made by the Steward for the Production of any such Book, or for any such Copy; and (in all other Cases in which the Barmaster shall not be present and choose to perform such Duties in Person) to perform within their respective Districts all such Duties as are in this Act mentioned

mentioned as forming Part of the Duties or Business of the Barmaster, and generally to assist the Barmaster, when required by him so to do, in any other Matters forming Part of or connected with the Duties of Barmaster, whether in their own Districts or elsewhere within the Jurisdiction of the Barmote Courts.

Courts to be Courts of Record.

XV. The Great Barmote Court and the Small Barmote Court shall be Courts of Record, and the Steward shall be Judge of each of them, and may out of Court do all such Acts of the Courts respectively as do not require the Presence of a Jury.

Jurisdiction and Customs.

XVI. The Jurisdiction of the said Great and Small Barmote Courts and of this Act shall be held to extend over the whole of the before-mentioned District called the *King's Field*, and also over all the Parts of the Hundred of *High Peak* aforesaid in which Her Majesty in right of Her Duchy of *Lancaster* is entitled to the Mineral Duties, and the Mineral Laws and Customs of that Part of the said Hundred over which the Jurisdiction of the said Great and Small Barmote Courts is hereby declared to extend shall be such as are mentioned and comprised in this Act, and no other alleged Custom or Practice shall be valid.

Practice of Courts.

XVII. The Steward may in any Case, and upon such Terms as to the Payment of Costs by either Party or otherwise as to him shall seem just, make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Action, and also may from Time to Time adjourn any Great or Small Barmote Court, or the Hearing or further Hearing of any Cause or other Proceeding in the said Courts or either of them, or before the Steward, in such Manner as to the Steward may seem fit, and when any Court is adjourned, the Grand Jurymen and other Jurymen who shall have been summoned to such Court shall attend at the adjourned Court without any further summoning, and shall be liable to the same Penalties for not attending at an adjourned Court as for not attending upon a Summons: Provided always, that the further Hearing of any Cause or other Proceeding of which the Hearing shall have been commenced, and in which any Evidence shall have been given, shall not be adjourned for any longer Period than until the Day next after that on which the Adjournment takes place, or if such next Day be *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, then until the Day next but One after that on which the Adjournment takes place.

XVIII. On

Examination of Parties.

XVIII. On the Hearing or Trial of any Action, or on any other Proceeding under this Act, the Parties thereto, their Wives, and all other Persons, may be examined upon Oath or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, such Oath or Affirmation to be administered by the Steward.

False Evidence Perjury.

XIX. Every Person who in any Examination upon Oath or solemn Affirmation before the said Steward shall wilfully and corruptly give false Evidence shall be deemed guilty of Perjury, and shall be liable to be indicted and subject to the same Punishments as may be imposed on Persons guilty of Perjury in any of the Superior Courts of *Westminster*.

Penalty for refusing to give Evidence.

XX. If any Person appearing as a Witness shall refuse to give Evidence or to answer any lawful Question, it shall be lawful for the Steward to impose upon any such Person such Penalty not exceeding Ten Pounds as the said Steward shall think fit.

Penalty for insulting Steward or Disturbance.

XXI. If any Person shall wilfully insult the Steward or either of the said Courts, or create any Disturbance during the Sitting of any Great or Small Barmote Court, or at any View, or shall insult or obstruct the Barmaster at any Time when in the Execution of his Office, it shall be lawful for the said Steward to impose upon any such Person such Penalty not exceeding Ten Pounds as the said Steward shall think fit, and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid.

Grand Jury.

XXII. From and after the passing of this Act the Grand Jury shall consist of Twelve Men only, who shall be selected by the Barmaster from amongst Persons resident within the Jurisdiction of the said Great and Small Barmote Courts, and as far as conveniently can be done it shall be the Duty of the Barmaster to select Persons experienced in practical Mining, but a Want of such Experience shall be no Ground of Objection to any Person serving on the Grand Jury if summoned so to do, nor of Exemption from such Service; and the Grand Jury shall be composed in manner herein-after stated, that is to say, of One Man from the Liberty of *Castleton*, of Two Men from the Liberty of *Bradwell*, of Two Men from the Liberty of *Hucklow*, of Two Men from the Liberty of *Winster*, of Two Men from the Liberty of *Monyash*, of One Man from the Liberty of *Taddington*, of One Man from the Liberty of *Upper Haddon*, and of One Man from such Parts within the Jurisdiction of the said Great and Small Barmote Courts as are not within any of the aforesaid Liberties; and at

at the Second Great Barmote Court which shall be held after the passing of this Act Six of the Grand Jury, to be determined by Lot, shall be discharged and Six new Grand Jurymen substituted, and at every subsequent Great Barmote Court Six of the Grand Jury, being those who have been longest in Office, shall be discharged and Six new Grand Jurymen shall be substituted in their Stead, so that every Member of the Grand Jury shall serve for a Period extending over the holding of Two Great Barmote Courts; and no Person shall be compellable to serve on the Grand Jury oftener than once in Three Years; and as often as any of the Grand Jury shall die or become incompetent to act, the Barmaster shall select another Person in his Place, without waiting for the holding of a Great Barmote Court, and every Member of the Grand Jury shall be sworn in by the Steward as soon as conveniently may be, either at a Great or Small Barmote Court or out of Court, as may be most convenient, but every such Member shall be competent to act immediately upon his Appointment as One of the Grand Jury, without waiting for being sworn as aforesaid.

Duties of Grand Jury.

XXIII. The Duties to be performed by the Grand Jury may in Cases where no other Provision is made by this Act be performed by any Eight of the Body, and such Duties shall be to attend at the Great Barmote Courts, and at any other Time upon the Summons of the Barmaster or of any Deputy Barmaster, such Summons to be delivered to all the Members of the Grand Jury, or to be left at their respective last or usual Places of Abode, at least Three Days before the Day on which their Attendance is required to go down into any Mine, Vein, or Mineral Works, and view the same, and give their Opinion on such Matters as are required, of them in any Bill of Directions or Cross Bill delivered to them, and generally to do and perform all such Acts and Duties as are in this Act mentioned as being Acts to be done or Duties to be performed by the Grand Jury.

Small Barmote Courts.

XXIV. The Steward shall, upon the entering of any Plaint, cause a Summons to be issued, and shall, on a Day to be mentioned in such Summons, and within One Calendar Month after the entering of the Plaint, hold a Small Barmote Court for the Trial of the Cause; and the Plaintiff and Defendant, or their respective Attornies or Agents, shall appear at the Time and Place appointed for the Trial, and the Steward shall proceed in a summary Way to try the Cause, leaving all Matters of Fact in issue in the Cause to be determined by the Jury sworn for the Trial, and shall give Judgment, and the Judgment of the Court shall be enforced by Warrant to be issued under the Hand of the Steward and the Seal of the Barmote Courts,

 and

and the Defendant shall be allowed to give Evidence of any Special Matter of Defence.

Service of Summons.

XXV. The Summons shall be served upon the Defendant by the Barmaster Fourteen clear Days at least before the Day appointed for the Trial, by leaving such Summons at the usual or last Place of Abode of such Defendant, and by affixing a Copy thereof on some conspicuous Part of the Mine to which the Question of Title, Trespass, or Debt to be tried has Reference; and upon Proof of the Service of such Summons the Plaintiff shall be at liberty, if the Defendant do not appear, to proceed to Trial, and if the Steward shall think that he is entitled to recover he shall have Judgment: Provided always, that in Cases where there are more Defendants than One, Service on One of such Defendants shall be deemed sufficient.

Proviso in case Defendant shall refuse to appear or plead.

Proviso in case Plaintiff shall not proceed in the Action.

XXVI. If the Plaintiff in any Action of Title, Trespass, or Debt shall not proceed to Trial at the Time and Place appointed, the Steward shall cause Judgment as in case of Nonsuit to be entered for the Defendant in such Action.

New Trials.

XXVII. The Steward may grant new Trials, and set aside Judgments and other Proceedings, and may stay Proceedings, and in so doing he is hereby directed to act as far as may be on the same Principles as are acted upon in similar Cases by the Superior Courts at *Westminster*.

Costs.

XXVIII. The Party who has Judgment in his Favour, in whatever Way such Judgment may be obtained, shall by the same Judgment recover his Costs of Suit or Defence, as the Case may be.

Appeal.

XXIX. It shall be lawful for the Court of Queen's Bench at *Westminster*, or for any Judge of any of the Superior Courts at *Westminster*, on the Application of either Plaintiff or Defendant in an Action in the Small Barmote Court, either before or after Trial, on Cause shown by Affidavit to the Satisfaction of such Court or Judge that an impartial or satisfactory Trial cannot be or has not been had in such Barmote Court, or for any other Cause which to such Court or Judge shall seem reasonable, to allow a Certiorari to be issued out of the said Court of Queen's Bench for removing all Proceedings which may have been had in such Action into the said Court of Queen's Bench.

XXX. When

Duchy of Lancaster.
(*High Peak Mining Customs and Mineral Courts.*)

XXX. When a Cause is so removed the Pleadings in the Court below shall stand and need not be repeated in the Queen's Bench, and shall be of the same Effect there as in the Court below, and if the Pleadings are not complete in the Court below the same Pleadings shall be adopted and with the like Effect in the Queen's Bench as might have been adopted in the Court below, and the Queen's Bench shall give the same Judgment as it shall to the said Court appear ought to have been given if the Cause had been determined in the Court below, and the Queen's Bench or any Judge of One of the Superior Courts may otherwise deal with the said Causes when removed, and make such Rules and Orders in or relating to the same, as to them or him may seem just; and all Rules or Orders made by any such Judge shall be liable to be enforced, set aside, or varied by the Queen's Bench in the same Way as Judges Orders may ordinarily be enforced, set aside, or varied; and when Judgment is given in the Queen's Bench, a Copy of such Judgment, signed by One of the Masters of the Court, may be lodged with the Steward, and shall thereupon become a Record of the Court below from which the Cause was removed, and shall and may be enforced by the last-mentioned Court in the same Way as if the Judgment had been given by such Court and the Cause had never been removed.

Pleadings not to be repeated.

XXXI. Every Subpœna to attend and give Evidence upon any Trial in the Small Barmote Court, if served personally upon the Person required to give Evidence in any Part of *England* or *Wales* Seven clear Days at the least before the Day fixed for the holding the Court at which such Trial is to be had, shall be as valid and effectual in Law, and shall entitle the Party suing out such Subpœna to all and the like Remedies by Action, as if the same had been issued out of the Court of Queen's Bench at *Westminster* in any Cause depending in that Court; and in case the Person served shall not appear as required by the said Subpœna, it shall be lawful for the said Steward, upon Oath or Affirmation taken in open Court of the personal Service of such Subpœna, and of the Tender to the Person so served at the Time of such Service of a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, to give to the Party complaining of such Default a Certificate of such Default under the Hand and Seal of the said Steward, and the Party complaining of such Default having obtained such Certificate may apply to the Court of Queen's Bench at *Westminster*, and the said last-mentioned Court shall thereupon (if it seems to them just to do so) proceed by Attachment or otherwise, according to the Course and Practice of the same Court, against the Person

Service of Subpœnas on Witnesses good in any Part of England.

so having made default, in like Manner as the same Court might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna issued to compel the Attendance of Witnesses out of such last-mentioned Court, but such Certificate shall not be conclusive either of the due Service of the Subpœna or of the same having been disobeyed, or of any other Matter.

Execution may be issued against Mineral Property, and the same sold by the Barmaster.

XXXII. Where a Plaintiff obtains Judgment in an Action of Title, and the Defendant shall refuse for the Space of Three Days next after the Day on which Judgment is given to deliver Possession to the Plaintiff, it shall be lawful for the Plaintiff to apply to the Steward, and the Steward shall thereupon issue a Warrant in the Form herein-after mentioned, and the Barmaster shall forthwith execute such Warrant and deliver Possession accordingly: Provided always, that no Entry or Seizure under any such Warrant, or under the Warrant next herein-after mentioned, shall be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or on any Day appointed for a Public Fast or Thanksgiving, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; and where a Defendant shall for the Space of Three Days after the Day when the Judgment is given or Order made omit to pay any Debt or Damages recovered or awarded to be paid by any Judgment of the Small Barmote Court, or where either Plaintiff or Defendant shall for the Space of Three Days omit to pay any Money or Costs recovered or awarded to be paid by any such Judgment or by any Order made by the Steward, or where any Person shall omit to pay any Penalty imposed by the Steward under the Authority of this Act within the Time appointed by the Steward for Payment thereof, it shall be lawful for the Steward and he is hereby required, upon the Application of the Party in whose Favour or for whose Benefit such Judgment or Order shall have been given or made, or in the Case of a Penalty at his own Discretion, to issue a Warrant in the Form herein-after mentioned, and the Barmaster shall thereupon forthwith take possession of any Mineral Property within the Jurisdiction of the said Barmote Courts which shall belong to the Party so omitting to pay such Debt or Damages, or Money or Costs, or Penalty, and shall sell the same either by Ticket or by Public Auction, or so much thereof as may be necessary to raise the Sum mentioned in such Warrant, and the Fees and Expenses allowed by this Act for executing the same, and shall return any surplus Monies arising from such Sale that may remain, after paying such Debt or Damages, or Money or Costs, or Penalty, and Fees and Expenses as aforesaid, to the Defaulter; and if the Party against whom the Warrant issues has, before the issuing of such Warrant, in fact paid the Debt, Damages, Money, Costs, or Penalty, or any Part thereof, and

the Warrant issues for too much, the Steward shall not therefore be liable to any Action, except in Cases where he issues the Warrant of his own Motion and with Knowledge of the Payment, but the Party who sues out the Warrant, or the Steward if he issues it of his own Motion, and with such Knowledge as aforesaid, shall be alone responsible in such Cases for the improper issuing of the Warrant, and for what is done thereunder; and in case the Person against whose Mineral Property such Warrant shall have been issued shall not have any Mineral Property within the Jurisdiction of the said Barmote Courts, or not sufficient to answer the Amount mentioned in such Warrant, after deducting such Fees and Expenses as aforesaid, it shall be lawful for the Person who shall have obtained such Judgment or Order, or in case of a Penalty for the Steward, to recover the Amount or Deficiency by Action of Debt in the County Court, if the Amount of the Debt or Deficiency shall not exceed Fifty Pounds, otherwise in any Superior Court at *Westminster*; and the Certificate of the said Steward of the Amount of the Debt or Damages, or Money or Costs, or Penalty, or of the Proportion thereof, which has not been recovered under such Warrant, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned to be not recovered was due and unpaid at the Date of such Certificate; and the Count in the Declaration in any such Action in One of the Superior Courts may be simply to the Effect that the Defendant was indebted to the Plaintiff in a Sum, naming it, by virtue of this Act, and of a Certificate thereunder granted by the Steward of the Barmote Courts of the *High Peak*, which Sum the Defendant had not paid.

Warrants and Executions to be returned to Steward's Office.

XXXIII. All Warrants issued by the Steward shall be in force for One Calendar Month from the Date thereof, and shall be returned by the Barmaster to the Steward within Six Weeks from the Date thereof, with a Memorandum or Return endorsed thereon, and signed by the Barmaster, stating when it was executed, or if from any Cause the Barmaster shall have been unable to execute it, then stating why it has not been executed, and in the latter Case the Warrant may be renewed and Returns made from Time to Time until it is executed, and every renewed Warrant shall be in force for One Calendar Month from the Date thereof; and every Return to a renewed Warrant shall be made within Six Weeks after the re-issuing of the Warrant, but the Omission to return any such Warrant shall not make any One a Trespasser for having obeyed the same, nor shall it be necessary to state or prove any such Return in order to justify anything done in obedience to the same.

Jurors at Small Barmote Courts.

XXXIV. The Barmaster, with the Assistance of his Deputies, shall every Year make out in Writing a List of not less than Forty-eight Owners or Maintainers of Mines situate within the Jurisdiction of the Barmote Courts, not being Members of the Grand Jury for the Time being, but being resident within the County of *Derby*, and fix the same upon the Door of the Court where the *April* Great Barmote Court is held, and shall afterwards copy such List into a Book, to be called the Jury Book, and to be kept by him, and One Week before any Small Barmote Court the Barmaster shall cause to be summoned Twenty-four Persons named in the said Book to attend at the Time and Place appointed for holding the said Small Barmote Court; and every such Summons shall be in the Form or to the Effect given in the Schedule hereto, and shall be served either personally on such Person, or by leaving it at his usual or last known Place of Abode; and no Person shall be summoned oftener than once in Three Years, unless there shall be a Deficiency in the Number of Jurors, so that a Jury could not be formed without summoning Jurors who have served within Three Years, but no Proceeding shall be held void on the Ground that a Person served on the Jury who was not liable to be summoned.

Ballot and Challenge of Jurors.

XXXV. The Barmaster shall make a List of the Jurors so summoned, together with their Places of Abode and Conditions, and shall permit such List to be inspected by the Plaintiff and Defendant, if they shall require it, and the Barmaster shall cause the Names of the Jurors to be written severally on Slips of Paper and put into a Box, and the Names shall be drawn out of the Box by the Barmaster, and each Party may, until no more than Twelve remain, object to any Person whose Name is drawn out, without assigning any Cause, but so that not more than Six such Objections be made by either Party, and if any Objection is made to the Twelve so remaining it must be stated to, and the Validity or Invalidity thereof decided upon by, the Steward, and the Twelve first Persons to whom no Objection has been made shall be the Jury to be sworn for the Trial; and any Person against whom an Objection has been made and disallowed by the Steward shall be considered as a Person against whom no Objection has been made; and if after drawing out the Names of all the Jurors there shall not appear to be Twelve Persons against whom no Objection has been made, then the Names of all the Jurors against whom Objections have been made shall be returned to the Box, and drawn again, without any further Objection being allowed to any of them, until a sufficient Number be drawn to make a Jury of Twelve, and such Jury of Twelve shall be the Jury to be sworn for the Trial to take place at such

Small

Small Barmote Court; and the Jury so drawn as aforesaid shall be sworn by the Steward, and shall hear the Evidence of the Witnesses in the Cause, and shall be required to give an unanimous Verdict or Verdicts upon all Matters of Fact at issue in such Trial, which Matters of Fact shall be submitted by the Steward to the Jury for their Determination.

Provision in case of more than One Cause.

XXXVI. If there shall be more than One Cause to be tried at any Small Barmote Court, the Jury sworn for the Trial of the First Cause may and shall, with the Consent of the Parties to the Second or other subsequent Causes, be sworn for and be the Jury for the Trial of such Second and subsequent Causes: Provided always, that any Party to such Second or subsequent Causes, or the Steward, may require a fresh Jury to be drawn.

Penalty on Jurors for Nonattendance.

XXXVII. If any Person liable to serve as a Juryman in the Small Barmote Court shall have been duly summoned to attend as a Juror, and shall not attend in pursuance of such Summons, or being thrice called in Court shall not answer to his Name, or if any such Person being present in Court after having been called shall not duly appear, or, after his Appearance, shall wilfully withdraw himself from the Presence of the said Court, or shall refuse to act as a Juryman, it shall be lawful for the said Steward to impose such Penalty, not exceeding Ten Pounds, upon every such Person so making default as to the said Steward shall seem meet, unless some reasonable Excuse shall be given to the Satisfaction of the said Steward, and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid; and if such Penalty shall not be paid within the Time ordered by the said Steward, it shall be lawful for the said Steward to issue his Warrant in the Form herein-after mentioned for the levying thereof, with all the Costs and Charges attending such levying; and such Penalty may be imposed in the Absence of the Party making default, and without calling on him to show Cause why it should not be imposed; and it shall be no Objection to the Execution of such Warrant that the Party had no Notice of such Penalty, but if any Person shall think himself aggrieved by the Imposition of such Penalty or the Execution of such Warrant, the Steward may grant him such Relief as to the Steward may seem just.

Penalty on Grand Jurors for Non-attendance.

XXXVIII. If any Person liable to act as a Grand Juryman shall have been duly summoned to attend at the Great Barmote Court, or on any other Occasion on which the Grand Jury are by this Act required to attend, and shall not attend in pursuance of

of such Summons, or being called shall not answer to his Name, or if any such Person being present after having been called shall not duly appear, or after his Appearance shall wilfully withdraw himself, or shall refuse to act on the Grand Jury, or to perform the Duties required of him, it shall be lawful for the said Steward to impose such Penalty, not exceeding Ten Pounds, upon every such Person so making default, as to the said Steward shall seem meet, unless some reasonable Excuse shall be given to the Satisfaction of the said Steward, and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid; and if such Penalty shall not be paid within the Time ordered by the said Steward, it shall be lawful for the said Steward to issue his Warrant in the Form herein-after mentioned for the levying thereof, with all the Costs and Charges attending such levying; and such Penalty may be imposed in the Absence of the Party making default, and without calling on him to show Cause why it should not be imposed; and it shall be no Objection to the Execution of such Warrant that the Party had no Notice of such Penalty; but if any Person shall think himself aggrieved by the Imposition of such Penalty or the Execution of such Warrant, the Steward may grant him such Relief as to the Steward may seem just.

Exemption from serving on Jury.

XXXIX. All Persons for the Time being exempted by Law from serving on Juries shall be exempt from serving either on the Grand Jury or on any Jury for the Trial of Causes in the Small Barmote Court, notwithstanding such Persons may in other respects be qualified to serve on such Grand Jury, or on any Jury for the Trial of Causes as aforesaid.

Subpœnas.

XL. The Parties to the Suit or any other Proceeding under this Act may obtain at or from the Office of the Steward Subpœnas to compel the Attendance of Witnesses, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Subpœna any Number of Names may be inserted, and such Subpœnas shall be served upon the Witnesses in like Manner as Subpœnas issuing out of the Superior Courts at *Westminster*.

Execution may be superseded.

XLI. If the Party against whom an Execution shall be issued shall, before an actual Sale of the Property seized, pay or cause to be paid or tendered unto the Barmaster the Sum or Sums of Money ordered to be levied, or such Part thereof as the Person entitled thereto shall agree to accept in full of his Debt or Damages and Costs, together with the Fees hereby allowed, the Execution shall be superseded, and

and the Property of the said Party shall be discharged and set at liberty.

XLII. No Barmaster or Deputy Barmaster, and no Person acting at the Request and in aid of any Barmaster or Deputy Barmaster, shall be liable to any Action for anything done or authorized by such Barmaster or Deputy Barmaster in obedience or necessary for Obedience to any Writ, Precept, Warrant, or Process signed by the Steward and sealed with the said Seal, although the same be void or irregular or an Excess of Jurisdiction, nor shall any Act done by any such Barmaster, Deputy Barmaster, or other Person, while acting under any such Writ, Precept, Warrant, or Process, make him a Trespasser *ab initio*, though it be not in obedience or not necessary for Obedience to such Writ, Precept, Warrant, or Process, but the Party committing such last-mentioned Act shall be liable to an Action for the same if it be illegal. Barmaster not to be liable.

XLIII. The Steward shall not be liable to any Action for anything done in obedience or necessary for Obedience to any Writ, Warrant, Precept, or Process signed by him, and sealed with the said Seal, if such Writ, Warrant, Precept, or Process be not an Excess of his Jurisdiction. Steward not to be liable.

XLIV. The Steward shall carefully preserve the Books and Accounts mentioned in the Fifth and Fourteenth Sections, and shall also cause a Register of all Summonses, Subpœnas, Orders, Judgments, Warrants, Executions, and Returns thereto, and of all Penalties, and of all other Proceedings of the Great and Small Barmote Courts, and of all Bills of Directions, Cross Bills of Directions, Opinions of the Grand Jury, and other Proceedings on Views, to be fairly entered from Time to Time in a Book belonging to the Courts which shall be kept at the Office of the Steward; and such Entries in the said Book, or Copies thereof or of any of them, and also Copies of the Entries in the Books and Accounts mentioned in the Fifth and Fourteenth Sections, or of any Part thereof, and also Copies of the new or additional Customs, Articles, Rules, and Orders mentioned in the Fifty-sixth Section, purporting to bear the Seal of the Court, and purporting to be signed and certified as a true Copy by the Steward, which Copies the Steward is hereby required to furnish to all Persons requiring the same, upon Payment of the Fees herein-after specified, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, Articles, Rules, and Orders, and of the Proceedings referred to by such Entry, and of the Regularity of such Proceeding, without any further Proof. Register of Summonses, &c.

Documents in Custody of Steward to be open to Inspection.

XLV. All Persons shall be at liberty, at convenient Times in the Daytime, to search and examine all Documents in the Custody of the Steward by virtue of this Act, upon Payment of the Fees herein-after specified.

Interpleader Clause.

XLVI. If any Claim shall be made to or in respect of any Mineral Property taken in Execution under the Process of any Great or Small Barmote Court, or in respect of the Proceeds or Value thereof, by any Person not being the Party against whom such Process has issued, it shall be lawful for the Steward, upon the Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to appoint and hold a Small Barmote Court, and to issue a Summons calling before the said Court as well the Party issuing such Process as the Party making such Claim; and upon the issuing of such Summons any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or any Local or Inferior Court, in respect of such Claim, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, or, if the Action be in any Superior Court at *Westminster*, any Judge of any of the other Superior Courts, on Proof of the Issue of such Summons, and that such Mineral Property was so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons by the Steward; and if either of the Parties so summoned appear, the Steward shall, whether the other Party appear or not, adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings before him, and of the Proceedings in the Action prior to such Summons, and of the Payment of Compensation to any Party by any other Party, as to him shall seem fit; and such Order, so far as the same may be for Payment of Money or Costs, shall be enforced in like Manner as any Order made in any Suit brought in the Small Barmote Court, and, so far as such Order be not for the Payment of Money or Costs, Disobedience to the same may be punished in manner following; that is to say, any Person considering himself aggrieved by such Disobedience may complain to the Steward who may thereupon summon the disobedient Party before him, and may, if he thinks the Complaint proved, and whether the Party complained of shall appear or not, order the Party complained of to pay to the complaining Party such Sum of Money as he may think a sufficient Compensation, with or without the Costs of the Application, at his Discretion, and if he thinks the Complaint not proved he may make an Order dismissing the same Complaint, with or without Costs, at his Discretion, and the Order which the Steward shall make in the Premises

Premises may also be enforced in like Manner as any Order made in the Small Barmote Court.

XLVII. All Penalties imposed by virtue of this Act (except the Penalties imposed upon the Barmaster, and which are otherwise provided for,) shall be recovered by levying the same under a Warrant of the Steward upon the Mineral Property of the Person upon whom such Penalty shall be imposed, which shall be within the Jurisdiction of the Barmote Courts; and if the Barmaster shall make a Return to the Steward that there is no Mineral Property within such Jurisdiction, or not sufficient to raise the whole of the Penalty and the Fees and Expenses allowed for the Execution of the Warrant, then such Penalty, or so much thereof as the Produce of the Sale of such Mineral Property shall not, after paying the Fees and Expenses allowed for the Execution of the Warrant, be sufficient to satisfy, shall be recovered by Action of Debt in the County Court, such Action to be brought in the Name of the Steward; and a Certificate signed by him, and sealed with the said Seal, certifying the Imposition of such Penalty and the Amount thereof, or so much thereof as shall not have been satisfied by such Execution, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned not to be recovered was due and unpaid at the Date of the Certificate. Penalties.

XLVIII. The Proceedings of the Barmote Courts shall be in the Forms given in the Second Schedule annexed to this Act, or to the like Effect, and in any Proceeding not thereby provided for it shall be lawful for the said Steward to adopt such Form as he shall think fit and applicable to such Proceeding. Forms of Proceedings.

XLIX. The Fees and Payments which shall be paid, had, and taken by the Steward, Head Barmaster, Deputy Barmasters, Grand Jury, Attornies, and other Persons, shall be such as are contained in the Third and Fourth Schedules to this Act, and no other Fee, Gratuity, or Reward whatever shall be demanded, had, or taken by any of the said Persons on any Pretence whatever. Fees.

L. An Account shall be kept by the Steward of all Penalties imposed upon any Person under the Authority of this Act, and such Penalties shall, except in Cases where it is by this Act otherwise provided, be received by or on account of the said Steward, and shall be paid by the said Steward, when received, as to One Moiety thereof to Her Majesty and Her Successors in right of Her said Duchy of *Lancaster*, and as to the other Moiety thereof to the Lessee for the Time being of the Duties of Lot and Cope, if there shall be any such Application of Penalties.

Lessee,

Lessee, and if there shall be no such Lessee then the whole of such Penalties shall be paid to Her Majesty and Her Successors in right of Her said Duchy of *Lancaster;* and if any Action or other Proceedings other than an Execution under the Warrant of the said Steward shall be necessary for the Recovery of any Penalty, such Action or other Proceedings shall be taken in the Name of the Steward.

Limitation.

LI. For the Protection of Persons acting in the Execution of this Act, it is hereby declared, that all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant; and in any such Action the Defendant may not only plead the Tender or Payment into Court, as the Case may be, but may also plead any other Plea or Pleas in bar, or a general Demurrer.

Removal of Proceedings.

LII. No Proceedings in the said Courts or either of them, or before the Steward or Barmaster, shall be removed into any other Court by Certiorari or otherwise, except in the Cases herein provided for.

Costs.

LIII. In any Action brought under the Provisions of this Act in the County Court, or in any of the Superior Courts, the Plaintiff and Defendant shall respectively be entitled to recover Costs in the same Cases and to the same Extent as they would be entitled if the Action were a common Action of Debt on Simple Contract in the County Court or in any of the Superior Courts respectively.

Proceedings pending.

LIV. Nothing in this Act contained shall affect any Action, Suit, or other Proceeding now pending in any Court of Law or Equity, but such Action, Suit, or other Proceeding shall be dealt with and determined as if this Act had not been passed.

Parties may proceed in any other Court than Small Barmote Court.

LV. Nothing in this Act contained shall preclude any Person from proceeding in any other Court, having Jurisdiction therein, in respect of any Matter hereby made triable in the Small Barmote Court.

Power to make new Rules.

LVI. It shall be lawful for the Steward and Grand Jury at any Great Barmote Court to make such new and additional Customs,

Articles, Rules, and Orders, as to them shall seem expedient for the better Regulation of the working and carrying on of the Mines within the District under the Provisions of this Act, and for the Guidance and Protection of the Mines in reference to the working and carrying on of Mines within the said District, and also for regulating the Practice and Proceedings of the Great and Small Barmote Courts, or of any Views or other Proceedings, and for the Execution of any Process of such Courts, and in relation to any of the Provisions of this Act, or of the Articles and Customs hereby established; and all such new and additional Customs, Articles, Rules, and Orders as aforesaid shall be certified under the Hand of the Steward and Seal of the said Court to the Chancellor for the Time being of Her Majesty's Duchy of *Lancaster*, the same having been previously submitted to the Lessee, if any, for the Time being, of the Duties of Lot and Cope, and approved of in Writing by him; and the same shall be published for Three Weeks consecutively in some Newspaper printed in the County of *Derby*; and such Chancellor may, after such Publication, either allow or disallow such View and additional Customs, Articles, Rules, and Orders, or any of them; and such of the new and additional Customs, Articles, Rules, and Orders as shall be so allowed by such Chancellor shall forthwith, after the Approval thereof, be sealed with the Seal of the said Duchy of *Lancaster*, and laid before both Houses of Parliament, (if Parliament be then sitting, or, if Parliament be not sitting, then within Five Days after the next Meeting thereof,) and no such new or additional Custom, Article, Rule, or Order shall have effect until Six Weeks after the same shall have been so laid before both Houses of Parliament; and any new or additional Custom, Article, Rule, or Order so allowed and laid before Parliament as aforesaid shall, from and after the Expiration of such Period of Six Weeks, be of the same Force and Effect as if the same had been enacted by Authority of Parliament, unless the same shall by Vote or Resolution of either House of Parliament be objected to; and such new and additional Customs, Articles, Rules, and Orders, shall be carefully preserved by the Steward: Provided always, that such new and additional Customs, Articles, Rules, and Orders shall not in any way affect the Rights and Interests of Owners or Occupiers of Land.

Saving Rights of the Crown.

LVII. Provided always, That, except as is herein provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, either in right of Her Crown or in right of Her Duchy of *Lancaster*.

FIRST SCHEDULE referred to;

BEING

A SCHEDULE of ARTICLES and CUSTOMS by this Act established.

1. It is lawful for all the Subjects of this Realm to search for, sink, and dig Mines or Veins of Lead Ore upon, in, or under all Manner of Lands of whose Inheritance soever they may be (Churches, Churchyards, Places for Public Worship, Burial Grounds, Dwelling Houses, Orchards, Gardens, Pleasure Grounds, and Highways excepted), but if no Vein of Ore be found, and the Person making Search discontinues it for Fourteen Days, the Land must be levelled and made good by the Person making the Search within the Space of Six Days after the Expiration of the said Fourteen Days, or the Owner of such Land may level and make good the same, and recover the Expenses thereof from the Miner in an Action of Debt in the Small Barmote Court, or in the County Court: Provided always, that nothing herein contained shall prevent or hinder the Miner from following and working his Vein, and searching for and getting Lead Ore under such excepted Places as aforesaid; but in case by so doing he shall damage or injure any such excepted Places or the Surface thereof, the Owner or reputed Owner and Occupier may recover from such Miner Compensation for such Damage or Injury, by Action in the County Court if the Damage shall not exceed Fifty Pounds, or otherwise by Action in the Superior Courts; but in case the Owner or reputed Owner or Occupier of such excepted Place as aforesaid apprehends that such working will endanger the Security of such excepted Places, the Steward and Grand Jury shall have Power to suspend the working of such Vein, or to direct the working thereof, so as to prevent such Damage.

2. In all Cases the Landowner shall have Power to sell and dispose of the Calk, Feagh, Spar, and other Minerals and Rubbish (except Lead Ore), and to remove the same from his Land so soon as the Lead Ore has been extracted from it, when and as often as he thinks proper, and when not required for the Use of the Mine, but not so as to destroy or injure any Mineral Property, without the Consent of the Barmaster and any Two Members of the Grand Jury.

3. The

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

3. The Barmaster and every Deputy Barmaster shall provide a Dish or Measure which shall contain Fifteen Pints of Water, and be adjusted in the Presence of Two of the Grand Jury, for measuring the Ore, and they shall forfeit the Sum of Two Pounds every Time they are required to measure Ore of any Mine and are unprovided with such Dish or Measure, such Penalty of Two Pounds to be recovered and received for his own Use by the Person who shall have required the Ore to be measured, by an Action in the County Court.

4. The Barmaster, together with Two of the Grand Jury, shall provide the Miners a Way, either for Foot Passengers or Carts as may be required, from the nearest Highway to the Mine, and also from the Mine to the nearest running Stream, Spring, or natural Pond of Water, such Ways to be set out in as short a Course as may be practicable and reasonable. No Compensation is to be claimed by the Occupier or Landowner for such Ways, but such Ways are not to be considered public, and the Use thereof is to be limited to Persons and Purposes connected with the Mine, and all Rights of Way are to cease when the Mine shall be no longer worked. The Parties entitled to use the Way may make sufficient Ways for Use, and keep the same in repair, and may also use for Mining Purposes the Water from the nearest running Stream, Spring, or natural Pond.

5. Every Miner shall, so long as his Mine shall be worked, be entitled, without making any Payment for the same, to the exclusive Use of so much Surface Land as shall be thought necessary by the Barmaster and Two of the Grand Jury and be set out by them, for the Purpose of laying Rubbish, dressing his Ore, briddling, making Meers or Ponds, and conveying Water thereto, and any other Mining Purposes. The Miner shall in all Cases, before he commences any Search or uses any Land, make Fences sufficient for the Protection of Cattle from any Injury which might arise from his Operations, and keep such Fences in sufficient Repair.

6. Any Person may transfer his Interest in any Mine or Vein to any other Person by causing an Entry of such Transfer to be made by the Barmaster in the Book to be kept by him as mentioned in the Fourteenth Section, and such Transfer, when so entered, shall be valid and effectual.

7. When Ore has been raised by any Miner, and he shall desire such Ore to be measured, the Miner shall give the Barmaster Twenty-four Hours Notice of the Time he intends to measure; and if the Barmaster neglect or refuse to attend, then the Miner may employ

employ any Two Persons, One of them being on the Grand Jury, who shall measure such Ore, and lay the Duties aside, for the Use of the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, for the Use of Her Majesty and Her Successors.

8. No Person shall sell any Ore, or remove any Ore from the Mine, unless and until the same shall have been measured by the Barmaster, or by such Two Persons as aforesaid in the event of the Non-attendance of the Barmaster, upon pain of forfeiting the full Value thereof to the Lessee of the Duties of Lot and Cope, or if there shall be no such Lessee, then to Her Majesty or Her Successors; and in case of Nonpayment of such Value, after Six clear Days Notice requiring the same shall have been given by the Barmaster to the Miner, or affixed in or upon some Part of the Mine or the Works thereof, the Mine at which such Ore was got shall be forfeited to the Lessee of the said Duties, and if there shall be no such Lessee, then to Her Majesty and Her Successors; and Possession thereof may be recovered in Manner herein-after provided.

9. The Duties heretofore called the Duties of Lot and Cope are and shall be payable to Her Majesty and Her Successors, or to Her or Their Lessee for the Time being. The Duty called Lot is and shall be One Thirteenth Part of all Ore raised within the Jurisdiction of the Barmote Courts as hereby declared and established, such Thirteenth Part to be set apart and taken by the Barmaster when he measures any Ore; and the Duty called Cope is and shall be the Sum of Fourpence for every Load of Ore measured at any Mine within the Jurisdiction aforesaid, the Measure of such Load being Nine Dishes of Ore, whereof each Dish shall be of Capacity sufficient to hold Fifteen Pints of Water. The said Duties of Lot and Cope are and shall be payable in addition to the Payments mentioned in any other Article comprised in this Schedule. And if any Person shall neglect or refuse to pay the said Duty of Cope, the same may be recovered by the Barmaster, on behalf of Her Majesty and Her Successors, or of Her or Their Lessee for the Time being, by Action of Debt in the Small Barmote Court, or by Action in the County Court.

10. If any new Vein be found by any Miner or any other Person whatsoever, the First Finder shall be entitled to Two Meers in Length of the said Vein, One Meer on each Side of the Founder to be measured and set out by the Barmaster, in the Presence of Two of the Grand Jury, on the Surface of the Ground within Six Days after

Notice given to him by the Finder, and the Third Meer shall belong to the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee then to Her Majesty and Her Successors, to be set out in like Manner at either Extremity of the said Two Meers at the Option of the Barmaster; and the Finder shall be entitled to each subsequent Meer in such Vein, each Way, to the Extent he shall claim or require at the Time of freeing. The Founder, Meers, and the Barmaster shall enter the Particulars of the Gift in his Book; and if the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, then if Her Majesty or Her Successors, neglect or refuse duly and reasonably to work the Meer so set out to such Lessee or Her Majesty or Her Successors as aforesaid, the Finder shall have the Right to purchase the said Meer at such Price as the Steward and Grand Jury may fix and determine, or the Finder may continue and maintain his Workings through the said Meer, upon laying aside for the Use of the Lessee or Her Majesty, as the Case may be, all the Ore that may be gotten therein, after deducting the Expenses of getting the same.

11. The Barmaster shall not set out any Ground under the Tenth Article until Ore shall have been raised from the Mine for which such Ground shall be required, nor until there shall have been paid to the Lessee for the Time being of the Duties of Lot and Cope, or if there shall be no such Lessee, to Her Majesty and Her Successors, the first customary Payment due to him, her, or them, such first customary Payment being so much Ore as shall be sufficient to fill the Dish or Measure mentioned in the Third Article, and being called the Freeing Dish; and the Miner shall pay to the Lessee for the Time being of the said Duties, and if there be no such Lessee, to Her Majesty and Her Successors, a similar Dish of Ore for every third and subsequent Meer which he shall reach of the Vein in which he is working.

12. If any Miner shall work any Mine or Vein without having duly freed the same as provided by the Eleventh Article, or shall commit any Trespass in any Meer belonging to the Lessee of the Duties of Lot and Cope, or to Her Majesty and Her Successors, the Mine or Vein which shall have been so worked without having been freed, or the Mine or Vein of which the Meer in which such Trespass shall have been committed shall form a Part, shall be forfeited to the Lessee of the Duties of Lot and Cope, and if there shall be no such Lessee, then to Her Majesty and Her Successors, and Possession thereof may be recovered on behalf of such Lessee or of Her

Majesty and Her Successors, as the Case may be, by Action of Title in the Small Barmote Court in the Name of the Barmaster.

13. If any Vein shall cross another Vein, the Miner who comes to the Pee or Intersection first shall have such Pee or Intersection, and may work therein as far as he can reach with a Pick or Hack, such Pick or Hack having a Helve or Shaft Three Quarters of a Yard long, so that he stands wholly within the Cheeks of his own Vein when he works such Pee or Intersection.

14. When Two Veins approach each other but are parted with a Rither, and such Veins continue asunder for One Meer or further in Length without any Joint of Ore or other Mineral crossing the same (such Joint of Ore or other Mineral not being a new Vein), and the Rither during that Distance in all Parts exceeds Three Feet in Thickness, then they are to be considered and treated as Two distinct Veins so long as they so continue asunder, but whenever they again meet the elder or prior Title shall take the Vein.

15. In any Dispute where the Priority of Title shall come in question the longest continued Ownership shall prevail, but all Gifts from the Barmaster shall be considered as the Origin and Commencement of the Title, and Workmanship prior to such Gift (if any) shall not avail; and in all Cases the Jury on the Trial shall decide the Fact of such Priority.

16. If any Person shall claim Title to any Mine, the Claimant may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in the Book mentioned in the Fifth Section; and if any Miner shall commit a Trespass in the Mine or Vein of any other Person, the Person aggrieved may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in an Action of Trespass, and may proceed to Trial in the Small Barmote Court, and shall there recover Possession of the said Mine in the Action of Title, or Damages to be assessed by the Jury for the said Trespass; and any Person claiming a Debt against a Miner for Articles furnished to a Mine, or for Mining Purposes, or for Work or Labour in, upon, or in respect of any Mineral Property, may cause a Plaint to be entered in an Action of Debt, and shall annex the Particulars of his Debt to the Summons, and proceed to Trial in the Small Barmote Court, and shall there recover such Amount, if any, as upon Proof shall appear to be due to him; but no Evidence

Evidence shall be admitted of any Items in an Action of Debt not mentioned in the Particulars annexed to the Summons.

17. No Miner or other Person shall, except as herein-after mentioned, bring more than One Action of Title to recover the same Mine, and a Nonsuit shall be deemed of the same Effect as a Judgment for the Defendant; but in Actions of Trespass or Debt the Plaintiff, if nonsuited, shall be allowed to commence a fresh Action: Provided always, that the Steward shall in any Case whatever, whether of Title, Trespass, or Debt, have the Power, if he shall think fit, to order a new Trial to be had, upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

18. Every Meer of Ground shall contain Thirty-two Yards in Length; and the Miner shall be entitled to take and have set out for him any Proportion of a Meer, upon freeing the same, by Payment of an Amount of Ore proportionate to the Amount payable upon freeing a whole Meer.

19. The Barmaster, if he finds any Mine or Vein neglected and not wrought, and not hindered by Water or for Want of Air, shall, if required so to do by any Person or Persons, send to the Owner or reputed Owner, where known to him, and if not known to him, then put up in some conspicuous Place within the Liberty in which the Mine or Vein is situate, a Notice that such Mine or Vein will, at the Expiration of Three Weeks, if not duly and reasonably worked to the Satisfaction of the Barmaster and Grand Jury, and no other sufficient Reason assigned to them, be forfeited; and if at the Expiration of the said Three Weeks the Mine or Vein is not so worked, the Barmaster, in the Presence of Two of the Grand Jury, may give such Mine or Vein to any Person or Persons willing to work the same; provided that nothing herein contained shall authorize the Barmaster to give away such Mine or Vein if the Owner thereof be unable to work the same by reason of such Mine or Vein being under Water, or for Want of Air, so long as the Owner thereof is using efficient and diligent Means to the Satisfaction of the Barmaster and Grand Jury to relieve such Mine or Vein.

20. If any Person has Shares in a Mine, and refuses to join his Partners or the Owners of the other Shares in working the same, or to pay his Proportion of the Expenses of working the same for the Space of Six Days after the same has been demanded by the Party complaining or his Agent, he shall forfeit his Part and Share to his Partners,

Partners, who shall be entitled to recover the same against such defaulting Owner in an Action of Title in the Small Barmote Court, and the only Evidence necessary in such Action to enable the Plaintiff to obtain Judgment shall be Proof that the Plaintiff has worked the said Mine, and the Amount of the Expenses incurred, and a Demand of Payment of Defendant's Share thereof as aforesaid, and the Neglect or Refusal of Defendant to pay it for the Space of Six Days after the Demand; and it shall be no Defence to such Action that the Plaintiff is Partner or joint Owner with the Defendant in the Mine or Shares sought to be recovered.

21. If any Person be possessed of any Mine, and be working the same, and any other Person claims Title thereto, such Claimant shall, within the Space of Three Calendar Months next after he shall have had Notice of the same being in open Workmanship, and at all events within Six Calendar Months after the same shall have been in open Workmanship, whether he shall have had Notice or not, assert his Claim by an Action of Title in the Small Barmote Court, or else such Claim shall be barred.

22. If the Barmaster shall, in any Matter connected with the Duties of his Office, require a View to be made by the Grand Jury, or if the Plaintiff or Defendant in any Action of Title or Trespass in the Small Barmote Court, or if any Miner or other Person shall for any Purpose require a View to be made of the Mine or Works of any Person whomsoever, then and in each and every of such Cases a View shall be made, and the Person so requiring a View shall, when the Grand Jury are assembled, deliver to the Steward a Bill of Directions describing the Mine or particular Part or Parts of a Mine, or Ground or Works, or other Matters or Things, which the Grand Jury are required to view, and stating the Question upon which their Opinion is required, but such Bill of Directions shall contain no Argument or Comment whatever, and thereupon the Steward shall openly read the said Bill of Directions to the Grand Jury, and, if the same is in the Opinion of the Steward properly framed, deliver it to One of the Grand Jury, who shall take the same with him for the Guidance of himself and the rest of the Grand Jury in making their View; but if any Person affected by the said Proceeding object to the said Bill of Directions or to any Cross Bill delivered as herein-after mentioned as containing Matter of Argument, Assertion, or Comment not being a Description of the Mine, Ground, or Works, or other Matters or Things to be viewed, or a Statement of the Question necessary for the Guidance of the Grand Jury in making their View, the Steward before delivering the Bill or Cross Bill to the Grand Jury shall in

in all Cases decide upon the Validity of such Objections, and if he thinks the same well founded shall cause the Bill or Cross Bill to be altered and corrected in such Manner as the Steward shall think right, and after making such View such of the Grand Jury as shall concur in Opinion shall in answer to such Bill and Cross Bill, if any, write their Opinion and sign it, and such of the Grand Jury as shall not concur in Opinion with any of their fellow Jurymen shall write separate Opinions and sign them, so that the Signature of each of the Grand Jury shall be affixed either to his own separate Opinion or to that of himself and some other or others of the said Grand Jury; and the said Bill and Cross Bill, if any, with the Opinions, shall be delivered to the Steward, who shall thereupon openly read the same in the Presence of the Grand Jury and of the Person or Persons who shall have preferred such Bill or Cross Bill; and such Bill and Cross Bill, if any, and the Opinions thereon, shall be kept by the Steward with the Documents of the Barmote Courts, but the Steward shall, if required by the Plaintiff or Defendant in the Action in which the View shall have been had, permit such Bill and Cross Bill, if any, and the Opinions thereon, or either of them, to be used by such Plaintiff or Defendant for the Purpose of Evidence on the Trial of the Action: Provided always, that no Plaintiff or Defendant in any Action shall be entitled to require a View unless he shall have given Notice thereof in Writing to the Barmaster Six clear Days at the least before the Day appointed for the Trial; and the Expenses of Views shall be paid in manner herein-after mentioned, that is to say, in Cases where the Barmaster shall require such View the Expense shall be borne by the Owner of the Mine or other Matter to be viewed, provided the Steward shall consider that such View was properly required by the Barmaster, and shall allow such Expenses; and in Cases where the View shall be required by a Plaintiff or Defendant in any Action, the Expenses of such View shall be Costs in the Cause, and abide the Event of the Action; and in all other Cases the Expenses shall be paid by the Person requiring the View, if no Cross Bill is presented, and if a Cross Bill is presented, then in equal Proportions by the Person requiring the View and the Person presenting the Cross Bill. Any Person who may be affected by the Proceedings at any View may appoint a Shower to accompany the Grand Jury, and to show on his Behalf the Place to be viewed.

23. Any Person who may be affected by the Opinion of the Grand Jury on any View may, if he thinks fit, at the same View deliver a Bill of Directions to the said Grand Jury, which second Bill shall be called a Cross Bill of Directions, in similar Form to the original Bill, stating the Question on which their Opinion is requested, and the

Steward shall in like Manner, immediately after reading the original Bill, read over such Cross Bill, and deliver the same to One of the Grand Jury to take to the Mine or Ground for the Guidance of himself and the rest of the Grand Jury.

24. When a Bill of Directions and also a Cross Bill shall be delivered to the Grand Jury at the same View; it shall not be requisite for them to write their Opinions until they have completed the View on the Cross Bill, unless they think proper to do so, and in no Case shall it be competent for the Grand Jury to examine any Evidence produced by either Party.

25. If any Person shall obstruct the Grand Jury in viewing any Mine or Works, the Grand Jury shall state such Fact in Writing, and return such Writing signed by any One or more of them, together with the Bill of Directions, and Cross Bill, if any, to the Steward, and the Person so obstructing shall forfeit by way of Penalty such Sum not exceeding Twenty Pounds as the Steward shall think fit to impose, and the Steward shall have Power to impose a fresh Penalty every Day on which such Obstruction is repeated; and if any such Penalty be not paid within Three Days after the same shall be imposed, the Steward shall issue his Warrant for levying the same. Before imposing any such Penalty, the Steward shall give to the Offender Seven clear Days Notice to show Cause, at a Time and Place situate within the Hundred of the High Peak, to be named in such Notice, why a Penalty should not be imposed.

26. If any Person shall, by virtue of any Sough Engine or other Means, unwater or give Relief to any Mine or Vein which may be under Water and the further working thereof be hindered, the Owner of any such Mine so relieved shall from Time to Time, so long as such Relief be continued, deliver to the Person giving such Relief as aforesaid such Part and Portion of all the Ore which at any Time thereafter shall be got and raised in such Mine or Vein under the Level at which such Relief was given, as the Barmaster and Grand Jury may from Time to Time fix and determine; such Part and Portion of the said Ore to be delivered and dressed and made merchantable by the Owner of such Mine, without any fraudulent Concealment or wilful Diminution, and to be discharged and free from all Charges in getting and dressing; and the Value of such Ore, if it shall not exceed Fifty Pounds, shall be recoverable in the County Court, or, if such Value shall exceed Fifty Pounds, in One of the Superior Courts at Westminster.

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

27. Any Person having Two or more Veins lying contiguous to each other, or connected by any Shafts, Gaits, or Ways, may, with the Consent in Writing of the Barmaster or Grand Jury, consolidate the Titles to such Veins, and an Entry shall be made in the Barmaster's Book to the Effect that the Titles to such Veins are thenceforth consolidated, and the said Veins shall from the Time of such Entry in the said Book be considered and treated as held under One; and the new Title of the said consolidated Veins, and nothing herein contained, shall prejudice or affect the Right or Title of any Person to any Mine or Vein which may have been heretofore united to or consolidated with any other Mine or Vein, and that the Possession or working of any of the Mines or Veins in such consolidated Titles respectively shall be considered as the working of the whole thereof, and so long as any Part thereof be so worked the same shall not be liable to be operated upon by the Barmaster in pursuance of the Nineteenth Article.

28. If the Grand Jury shall be summoned to any View by any Person, not being Plaintiff or Defendant in any Action in the Small Barmote Court, for the Purpose of delivering their Opinion as to whether any other Person is working in any Mineral Ground belonging to the Persons so summoning the Grand Jury, and the Majority of the Grand Jury assembled at any such View, and give it as their Opinion that such is in all probability the Case, but that for Want of Workmanship the Fact does not yet clearly appear, it shall be lawful for the Steward to require such other Person to give to the Steward Security for the Value of all Ore which may be gotten in his Workings thenceforth, until such Time as sufficient Working shall have been done to make the Truth appear; and unless Security shall be given unto and to the Satisfaction of the Steward, it shall be lawful for him to direct and authorize the Barmaster to retain all Ore gotten in the Workings of such other Person so failing to give Security, until such Security shall be given, or until sufficient further Working shall have been done to enable the Grand Jury at any adjourned View to form a satisfactory Opinion; and if the Grand Jury assembled at any such adjourned View, or the Majority of those so assembled, shall state their Opinion to be that the Workings of the Person originally summoning the Grand Jury and of such other Person form one and the same Title, the Steward shall thereupon order the Barmaster to deliver to the Person who shall have originally summoned the Grand Jury the Ore which shall have been so retained as aforesaid, or, if Security shall have been given as aforesaid, then the Person who shall have originally summoned the Grand Jury shall be entitled to the Benefit of such Security, to the Extent of the Value of the Ore which

which shall have been gotten by such other Person as aforesaid since the original View, and shall be entitled to use the Name of the Steward, if necessary, for enforcing such Security, and if either Party feels himself aggrieved, such Party may prosecute his Claim in the Small Barmote Court.

SECOND SCHEDULE;

CONTAINING

FORMS OF PROCEEDINGS.

In the High Peak Small Barmote Court.

Form of Plaint.

Plaintiff's Name.	Plaintiff's Place of Abode and Calling.	Defendant's Name.	Defendant's Place of Abode and Calling.	Nature of Action.
John Smith -	Castleton -	Richard Davis	Hucklow -	Action of Title, Trespass, *or* Debt, *as the Case may be.*

In the High Peak Small Barmote Court.

Summons in Title.

To *C.D.* (the Defendant).

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of at the Suit of *A.B.*, Plaintiff in an Action of Title in the High Peak Small Barmote Court, respecting, *&c.* [*describe the Mine claimed*].

Given under the Seal of the Court, this Day of

By the Court,

E.T., Steward.

In the High Peak Small Barmote Court.

Summons in Trespass or Debt.

To *C.D.*, the Defendant.

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of

in

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

in an Action of Trespass in the Small Barmote Court, at the Suit of *A.B.*, for £ Damages for a Trespass committed by you at [*if in Debt, say,* "in an Action of Debt in the High Peak Small Barmote Court for the Sum of £ (*the Sum claimed*) for Goods sold and delivered," "Wages" *or, as the Case may be,* the Particulars whereof are hereto annexed].

Given under the Seal of the Court, this Day of

By the Court,

E.T., Steward.

Form of Particulars in an Action of Debt to be annexed to the Summons or written at the Foot thereof.

In the High Peak Small Barmote Court.

A.B., Plaintiff,
and
C.D., Defendant.

Particulars of the Debt for which this Action is commenced.

1850:		£	s.	d.
January 3.	To One Barrel of Powder, 50lbs. at 6*d.* per lb.	1	5	0
	[*Add all other Items making up Debt.*]			
	[*If for Wages or Work done.*]			
	To driving Seven Fathoms in West Forefield [*describe Work*], at 1*l.* 5*s.* per Fathom -	8	15	0
5th to 15th.	To working Nine Shifts, at 2*s.* 3*d.* per Shift - - -	1	0	3
30th.	To Four Weeks Wages, at 12*s.* per Week	2	8	0
"	To Six Days Work, Man and Horse [*or* Cart] grinding [*or* leading] *describing Work,* at 5*s.* 6*d.* per Day - -	1	13	0
	£			

Above are the Particulars of Debt in this Action. As witness my Hand.

A.B., or
A.B. by *E.F.* his Attorney *or* Agent.

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

Judgment against Defendant for Payment of Debt or Damages.

In the High Peak Small Barmote Court, held at
within the Hundred of High Peak in the County of Derby,
the Day of
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After hearing this Cause, it is, on the Day of [*insert Day when Judgment is given*], adjudged that the said Plaintiff do recover against the said Defendant the Sum of £ for his Debt [*or* Damages by him sustained], together with the Costs of the Suit amounting to the Sum of £

Given under the Seal of the Court, this Day of
By the Court,
A.B., Steward.

Judgment against Plaintiff.

In the High Peak Small Barmote Court, held at
within the Hundred of High Peak in the County of Derby,
the Day of
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is, on the Day of adjudged that Judgment do pass against the said Plaintiff, and that the said Defendant do recover against the said Plaintiff £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of
By the Court,
A.B., Steward.

Judgment in case of Nonsuit.

In the High Peak Small Barmote Court, held at
within the Hundred of High Peak in the County of Derby,
the Day of
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is, on the Day of adjudged that Judgment by way of Nonsuit do pass against the said Plaintiff, and that the said

said Defendant do recover against the Plaintiff the Sum of £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,

A.B., Steward.

Judgment for Recovery of Possession.

In the High Peak Small Barmote Court, held at within the Hundred of High Peak in the County of Derby.

Between *A.B.*, Plaintiff,

and

C.D., Defendant.

After the Hearing of this Cause, it is, on the Day of adjudged that the said Plaintiff do recover against the said Defendant Possession of a certain Mine at together with the Costs of the Suit amounting to the Sum of £ .

Given under the Seal of the Court, this Day of

By the Court,

A.B., Steward.

Execution against the Goods of Defendant.

In the High Peak Small Barmote Court.

Between *A.B.*, Plaintiff,

and

C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court before the Steward of the said Court the said Plaintiff, by the Judgment of the said Court, on the Day of recovered against the said Defendant the Sum of £ for a certain Debt before that Time due and owing to the said Plaintiff [*or* for certain Damages by him sustained, *or* Possession of a certain Mine situate, *&c.*], together with the Sum of £ for Costs of the Suit by the said Plaintiff in that Behalf expended: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the Sum of £ . *or* the Sum of £ being Part of the said Sum of £ has not been paid to the said Plaintiff: These are therefore to require and order you forthwith to make and levy

Duchy of Lancaster.
(*High Peak Mining Customs and Mineral Courts.*)

levy the said Sum of £ , together with the lawful Fees and Expenses allowed by the "High Peak Mining Customs and Mineral Courts Act, 1851," by Distress and Sale of the Mineral Property of the said Defendant wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of

To the Barmaster of the High Peak. } By the Court,
A.B., Steward.

Execution against the Goods of Plaintiff.

In the High Peak Small Barmote Court.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court the said Defendant on the Day of by the Judgment of the said Court, recovered against the said Plaintiff £ for his Costs of Defence of an Action of Title, Trespass, or Debt: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the said Sum of £ has not been paid to the said Defendant: You are therefore required to make and levy the said Sum of £ , together with the lawful Fees and Expenses allowed by the High Peak Mining Customs and Mineral Courts Act, 1851, by Distress and Sale of the Mineral Property of the said Plaintiff wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of

To the Barmaster of the High Peak. } By the Court,
A.B., Steward.

Warrant for Recovery of Possession.

In the High Peak Small Barmote Court.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas after the Hearing of this Cause it was, on the Day of at a Court holden at within the Jurisdiction of this Court, adjudged that the said Plaintiff should recover

recover against the said Defendant Possession of a certain Mine at And whereas the said Defendant has not delivered up Possession of the said Mine, and Three Days have elapsed since such Judgment was recovered: You are therefore required to give Possession of the said Mine to the said Plaintiff.

Given under the Seal of the Court, this Day of

To the Barmaster of the High Peak. } By the Court,
A.B., Steward.

Summons to Grand Jurors to attend the Great Barmote Court or on a View.

You are hereby required to attend the High Peak Great Barmote Court to be held at within the Hundred of High Peak in the County of Derby, *or* to attend the Barmaster on a View, to be held at on the Day of

Dated this Day of 185 .

A.B., Barmaster, *or*
To *C.D.* Deputy Barmaster.

Summons to Jurors to attend Small Barmote Court.

You are hereby required to attend the High Peak Small Barmote Court at at o'Clock in the Forenoon, to serve as a Juror on the Trial of Causes at the said Court; and if you fail herein you will be liable to a Penalty not exceeding £10, to be levied on your Mineral Property.

Dated this Day of 185 .

A.B., Barmaster, *or*
To *C.D.* [*add Residence.*] Deputy Barmaster.

Bill of Directions on a View.

To the Grand Jury for the High Peak Barmote Courts, met at within the Hundred of High Peak in the County of Derby, on the Day of 185 .

You are desired by *C.D.* [*Party calling the Jury*] to view, *&c.* [*describing the Mine, or particular Parts of the Mine, or the Works, or other Matters or Things, which the Jury are required to view*], and then give your Opinion whether, *&c.*, *clearly stating the Question upon which the Opinions of the Grand Jury are required.*

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

If the Grand Jury are required to dial the Mine, add "and you are requested to dial the said Mine, commencing, *&c.* [*describing the Limits within which such Dialling is to be made*], and to lay out your Dialling on the Surface, and to deliver your Dial Card, with your Opinion, to the Steward."

Return of Grand Jury to a Bill or Cross Bill of Directions.

We the Grand Jury [*where all agree in Opinion, or,* We [*or* I] the undersigned Members [*or* Member] of the Grand Jury, *where there is Difference of Opinion*] for the High Peak Barmote Courts, assembled this Day of to view, *&c.*, having had a Bill [*or* Cross Bill] of Directions given to us, do declare, That we have proceeded to view, *&c.*, as directed by the said Bill [*or* Cross Bill], and do declare our [*or* my] Opinion to be that, *&c.*, *giving their* [*or* his] *Opinion clearly on the Question proposed*]. As witness our [*or* my] Hands [*or* Hand].

Signatures.

Memorandum to be added after the Signatures of the Majority, where One or more of the Grand Jury do not concur in the Return.

We [*or* I] the undersigned do not concur in the above Return, and are [*or* am] of opinion that, *&c.*, stating their [*or* his] Opinion clearly on the Question proposed.

As witness our [*or* my] Hands [*or* Hand].

Signatures.

Form of Notice in pursuance of the Twenty-fifth Article of the Customs.

You are hereby required to attend at on the Day of before the Steward of the High Peak Barmote Courts, to show cause why a Penalty should not be imposed upon you for obstructing the Grand Jury on the Day of

Given under the Seal of the Court, this Day of 185 .

A.B., Steward.

Form

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

Form for imposing any Penalty which may be imposed under the Act.

I, Steward of the High Peak Barmote Courts, do hereby, by virtue of the High Peak Mining Customs and Mineral Courts Act, 1851, impose on *C.D.* the Sum of £ as a Penalty for an Offence by him committed against the said Act, and I order him to pay the said Sum to on or before the Day of in the Year of our Lord 185

Given under the Seal of the Court, this Day of 185 .

A.B., Steward.

Warrant to levy any Penalty or Sum of Money that may be imposed or ordered to be paid under the Act.

Whereas on the Day of a certain Sum of £ was ordered to be paid by *A.B.* to *C.D.* by the Steward of the High Peak Barmote Courts, or a certain Penalty of £ was imposed upon *A.B.* by the Steward of the High Peak Barmote Courts, for an Offence against the High Peak Mining Customs and Mineral Courts Act, 1851, and such Sum of £ or Penalty was ordered to be paid to on or before the Day of and the same has not been paid.

You are therefore required to levy on the Mineral Property of the said *A.B.* within the Jurisdiction of the said Barmote Court the said Sum of £ *or* Penalty of £ together with the lawful Fees and Expenses allowed by the "High Peak Mining Customs and Mineral Courts Act, 1851."

Given under the Seal of the Court, this Day of in the Year 185 .

To the Barmaster of the High Peak.

A.B., Steward.

Barmaster's Return of Execution of any Warrant.

I *A.B.*, Barmaster of the High Peak, in obedience to the within-written Warrant, and by Authority of the same, did on the Day of 185 execute the same [by delivering to the Plaintiff within named Possession of, *&c.*], *or* [by levying the Sum

Duchy of Lancaster.
(*High Peak Mining Customs and Mineral Courts.*)

Sum of £ within mentioned, together with £ the Fees and Expenses allowed for the Execution thereof, by Sale of, &c.], and the said Sum of £ has been applied by me in discharging the Fees and Expenses of the said Levy, and the said Sum of £ has been paid by me to

As Witness my Hand, this Day of . 185 .

Return that Barmaster has been unable to execute any Warrant.

I *A.B.*, Barmaster of the High Peak, do make this Return to the Steward of the High Peak Barmote Court within mentioned, and declare, that I have not yet been able to execute the within Warrant, by reason that the within-named Defendant hath no Mineral Property within the Jurisdiction of this Court, *or, if Part only has been levied*, that I have levied the Sum of £ and no more, by Sale of the Mineral Property of the within-named Plaintiff, *or* Defendant, and he hath no Mineral Property within the Jurisdiction whereof I can levy any Part of the Residue. As witness my Hand, this Day of 185 .

Subpœna.

A.B., Steward of the High Peak Barmote Courts, to greeting. You and every of you are hereby required personally to attend at the Small Barmote Court to be holden at on the Day of next, by of the Clock in the Forenoon of the same Day [*if the Witness is required to bring with him any Documents, describe them here*], to testify the Truth according to your Knowledge in a certain Action in the Barmote Court now depending between Plaintiff and Defendant in an Action of [Title, Trespass, *or* Debt, *as the Case may be*], at the said Court to be tried. Should you fail herein you will be liable to be proceeded against in like Manner as for Disobedience to a Subpœna issuing out of the Court of Queen's Bench at Westminster.

Given under the Seal of the Court, this Day of in the Year 185 . *A.B.*, Steward.

Order

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

Order to adjourn Proceedings either in the Great or Small Barmote Court or before the Steward.

It is ordered, That the Proceeding in this Matter [*whatever it be, stating it*] be adjourned until [*add, if necessary*, and that do pay to Costs, *or other the Terms, if any, upon which the Adjournment is made*].

Given under the Seal of the Court, this Day of in the Year 185 . By the Court,
A.B., Steward.

Order to stay Proceedings.

In the High Peak Small Barmote Court.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, That all further Proceedings in this Action be stayed.

Given under the Seal of the Court, this Day of in the Year 185 . By the Court,
A.B., Steward.

Order for a new Trial.

In the High Peak Small Barmote Court, held at the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, That the Judgment in this Case, and all subsequent Proceedings thereon, be set aside, and a new Trial had between the Parties [*here state the Terms and Conditions, if any, of such new Trial*].

Given under the Seal of the Court, this Day of in the Year 185 . By the Court,
A.B., Steward.

Summons on Interpleader.

In the High Peak Small Barmote Court.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas *E.F.* of hath made a Claim to certain Mineral Property which has been seized and taken in Execution under

 and

and by virtue of Process issuing out of this Court in this Action: You are therefore hereby summoned and required to be and appear before the Steward of the said Court at on the Day of at the Hour of , when the said Claim will be adjudicated upon, and such Order made thereupon as to the Steward shall seem fit.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
A. B., Steward.

Note.—This Summons is to be served upon the Party claiming the Property seized, and upon the Plaintiff or Defendant in the Action, according as the Execution may have been issued on behalf of Plaintiff or Defendant. If the Execution has been issued to levy a Penalty, this Form must be altered to suit the Circumstances, and the Summons must in that Case be served upon the Party owing the Penalty and the Claimant.

THIRD SCHEDULE;

BEING

LIST OF FEES TO BE ALLOWED ON TAXATION UNDER THIS ACT.

To the Steward.

	£	s.	d.
For attending View by Grand Jury - - -	1	1	0
For entering every Plaint, issuing every Summons or Subpœna - - - - - -	0	2	6
For swearing every Witness in a Cause - -	0	1	0
For every Warrant to deliver Possession, or to levy any Debt or Damages, or Money or Costs, or Penalty -	0	2	6
For a certified Copy of any Proceeding in the Great or Small Barmote Court - - - -	0	5	0
For Copy of any Entry or Accounts - - -	0	0	6
For any Search amongst or Examination of the Documents in the Custody of the Steward - - -	0	1	0
Mileage, 1*s.* a Mile from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			

To

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.)

To Attornies.

	£	s.	d.
For attending every Witness examined in Court, and taking down his Evidence - - - -	0	6	8
Drawing Brief, 6*s.* 8*d.* per Sheet.			
Making fair Copy thereof. (Half Charge allowed for drawing.)			
For attending Court on the Trial, and conducting same -	2	2	0
And also Mileage, 1*s.* per Mile, from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			
For every Copy of Subpœna - - - -	0	1	0
If Duces tecum, 6*d.* additional.			
For attending to serve every Witness with Subpœna -	0	2	6
And 1*s.* per Mile from Attorney's Residence, if Witness resides within the Hundred of High Peak, such Mileage in no Case to exceed 1*l.*; if in any other Place, the Sum paid to any Agent employed to serve same, provided such Sum be approved and allowed by the Steward.			
Such Fees to Counsel as the Steward shall think reasonable, and allow on Taxation.			

To the Barmaster of the High Peak.

For summoning the Jury to attend Small Barmote Court, 1*l.* 1*s.* for each Cause appointed to be heard at the Court for which the Jury is summoned; such Sums to be paid by the Plaintiff if the Cause do not proceed to the Taxation of Costs.			
For attending Small Barmote Court, 10*s.* 6*d.* for each Cause appointed to be heard thereat, to be paid by the Plaintiff if the Cause do not proceed to the Taxation of Costs.			
For attending a View, except where required by himself	0	10	6
Entering each Freeing - - - -	0	1	0
Copy of same - - - - -	0	1	0
Entry of Gifts for each Vein - - - -	0	2	0
Entry of every Transfer for each Vein - -	0	1	0
Copy of same - - - - - -	0	1	0
Service of every Notice, Summons, or Order - -	0	2	0

For

Duchy of Lancaster.
(High Peak Mining Customs and Mineral Courts.

	£	s.	d.
For executing any Warrant issued by the Steward:			
1st. Where the Amount to be levied shall be less than 20*l.*:			
Seizing the Property - - -	0	3	0
Each Man in possession, per Day -	0	2	6
All Expenses of Advertisements, if any -	0	10	0
Catalogues, Sale and Commission, and Delivery of Goods, 1*s.* in the Pound on the Produce of the Sale.			
2d. Where the Amount to be levied shall exceed 20*l.*:			
Seizing the Property - - -	0	10	0
Each Man in possession, per Day -	0	2	6
All Expenses of Advertisements, if any -	1	1	0
Catalogues, Sale and Commission, and Delivery of Goods, 1*s.* in the Pound on the Produce of the Sale.			

Deputy Barmasters.

For attending on a View by the Grand Jury, except where required by himself - - - -	0	10	0

To Grand Jury.

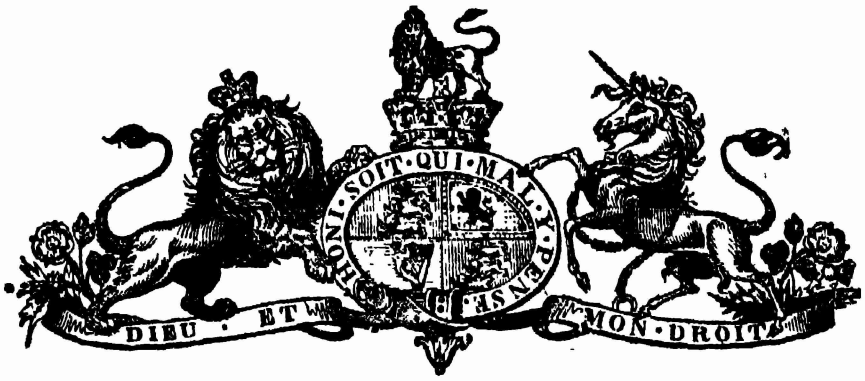
For attending on a View, each Man, when called to act within his own Liberty - - - -	0	4	0
When called to act out of his own Liberty - -	0	6	0

FOURTH SCHEDULE.

Fees allowed to the Barmaster of the High Peak and Deputy Barmasters; such Fees to be a Debt due from the Person on whose Behalf the Duties shall be performed, and to be paid either to the Barmaster or his Deputy, according as the Duty shall be actually performed by him or by his Deputy.

	£	s.	d.
Setting out any Way under the 4th Article - -	0	5	0
Setting out Land under the 5th Article - - -	0	5	0
Setting out Meers, for each Meer subsequent to the Third Meer under the Ninth Article - - -	0	0	4

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XCV.

An Act for transferring the Duties of paving, lighting, watering, and cleansing Parts of the Crown Estate in the District of the *Regent's Park* and certain Streets and Places in *Westminster* from the Commissioners acting under several Acts of Their late Majesties King *George* the Fourth and King *William* the Fourth to the Parishes; and for transferring the Jurisdiction of the said Commissioners over certain other Places in *Westminster* to the Commissioners of Her Majesty's Works and Public Buildings; and for other Purposes. [7th *August* 1851.]

WHEREAS by an Act of the Fifth Year of the Reign of King *George* the Fourth, Chapter One hundred, the Lord High Treasurer and the Commissioners of His then Majesty's Treasury for the Time being, and the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the 5 G. 4. c. 100.

Time being, and such other Persons as should be elected and appointed under the Provisions of the said Act, were constituted Commissioners for the Purposes thereof; and Three several Plans made for defining the Limits within which their Jurisdiction should be exercisable, the First of such Plans marked No. 1. and intituled "Plan of the Crown "Property in the *Regent's Park*," the Second marked No. II. and intituled "Plan of the new Street," and the Third marked No. III. and intituled "Plan of the Crown Estate in the Neighbourhood of "*Charing Cross Street*, *Whitehall*, *Privy Gardens*, and *Richmond* "*Terrace*," were required, after being authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, to be deposited with the Commissioners of His Majesty's Woods, Forests, and Land Revenues; and among the Authorities vested in the said Commissioners they were empowered to pave, maintain, light, water, cleanse, and regulate the Footways and Carriageways of all Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places respectively delineated in the said Plan marked No. 1., and situate on the North Side of the new Road, with the Exception of the Carriageway of certain Roads round the *Regent's Park* coloured Purple on the said Plan, and of all the Streets and Portions of Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places delineated and distinguished by the Brown Colour on the said Plan marked No. II., and not situate within either of the Parishes of *Saint Mary-le-bone* and *Saint Martin in the Fields*, and of all the Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places delineated on the said Plan marked No. III., and to levy Rates and to borrow Money for the said several Purposes; and the said Commissioners were thereby also constituted Commissioners of Sewers for maintaining a principal Sewer made from the *Regent's Park* to *Charing Cross*, and thence to the River *Thames*, and for maintaining and effecting the proper Sewerage and Drainage of all the Premises comprised in the said several Plans: And whereas by an Act of the Sixth Year of the Reign of King *George* the Fourth, Chapter Thirty-eight, such Parts of *New Palace Yard*, *Saint Margaret Street*, and *Old Palace Yard*, and the Streets and Places adjoining thereto as were then, as to the paving, lighting, and cleansing thereof, under the Charge and Management of the Surveyor General of His then Majesty's Works, the same being delineated on a Plan marked No. IV. and authenticated and deposited in the same Manner with the said former Plans, and so much also of the Street in front of the Admiralty Office, and its Appurtenances, as was then or had been vested in the Lord High Admiral or the Commissioners of the Admiralty, or his or their Secretary on their Behalf, were placed, as to the paving, lighting, and cleansing thereof, respectively under the Charge and Management of the Commissioners acting in execution of the first-recited Act, who

6 G. 4. c. 38.

were

were empowered to levy Rates and borrow Money also for the last-mentioned Purposes; and it was enacted that the Commissioners of the Admiralty and their Secretaries for the Time being should, conjointly with the before-mentioned Commissioners, be Commissioners for executing both the said Acts: And whereas by an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Sixty-four, certain other Plans respectively marked with the Numbers 5, 6, and 7 were directed to be authenticated and deposited in the same Manner with the said former Plans, and the Streets called *Parliament Street* and *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, respectively delineated on the said Plan No. 7, and which were then, as to the paving, lighting, watering, and cleansing thereof, under the Charge and Management of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist*, were, for the same Purposes, placed under the Charge and Management of the Commissioners acting in execution of the Two first-recited Acts; and the Carriageway also of the Road called "The *Albany Road*," extending from the North Side of the *New Road* to the Western End of the Bridge over the *Regent's* Canal called the *Collateral Cut Bridge*, and being Part of the Roads coloured Purple on the Plan No. 1. referred to in the first-recited Act, was, as to the Maintenance, Cleansing, and Regulation thereof, placed under the Charge and Management of the same Commissioners, and they were further authorized to pave, maintain, light, water, cleanse, and regulate all the Streets, Squares, Terraces, Passages, and Places made and laid out or to be made and laid out on the Site of *Carlton Palace* and of the Gardens thereof, coloured Blue on the said Plan marked No. 5, and the Carriageway of *Pall Mall* extending from the Eastern to the Western Side of *Waterloo Place* and the Foot and Carriage Ways of any Street or Streets to be made on the Site of Two Houses then numbered 92 and 93 in *Pall Mall*, and they were authorized to levy Rates, and to borrow Money for defraying the consolidated Expenses of paving, repairing, cleansing, lighting, and watering all the Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places by the said former Acts and that Act respectively directed to be paved, repaired, cleansed, lighted, and watered by them, except certain Mews, called the *Westminster Mews*, delineated on the said Plan No. 6, and the Expenses whereof incurred for the Purposes aforesaid were to be separately provided for by Rates to be laid thereon; and it was enacted, that His then Majesty, His Heirs and Successors, in respect of any public Buildings situate within the Limits of either of the Two first-recited Acts or of that Act, should be liable to be rated and assessed for the Purposes of such Acts in like Manner as the Owners of other public Buildings within the like Limits, and the said Commissioners were appointed Commis-

9 G. 4. c. 64.

Commissioners of Sewers for maintaining also other Sewers and Drains thereby subjected to their Charge and Jurisdictions: And whereas by an Act of the Second Year of the Reign of King *William* the Fourth, Chapter Fifty-six, the Streets called *Great George Street*, *Little Bridge Street*, and Part of the Street leading from *Great George Street* to *Saint Margaret's* Churchyard, as to the paving, lighting, cleansing, and watering thereof, and the Carriageways of *Cockspur Street* and *Charing Cross Street*, as to the paving, watering, and cleansing thereof, were placed under the Charge and Management of the Commissioners executing the before-recited Acts, and Two several Plans made for ascertaining the Streets and Places, and Parts of Streets and Places, to be placed for the several Purposes aforesaid under the Charge and Management of the said Commissioners, the one of such Plans marked No. 8, and comprising the Carriageways of *Cockspur Street* and *Charing Cross Street*, thereon coloured Yellow, and the other marked No. 9, comprising *Great George Street*, *Little Bridge Street*, and the said Portion of the Street leading from *Great George Street* to *Saint Margaret's* Churchyard respectively, thereon coloured Pink, were required to be authenticated and deposited in the same Manner with the said former Plans, and the said Commissioners were further authorized to levy Rates for defraying the consolidated Expenses of paving, repairing, cleansing, lighting, and watering all the several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places comprised in the several before-recited Acts or that Act, except the said Mews called *Westminster Mews*, and for other the Purposes of that Act; and it was enacted, that His then Majesty, His Heirs and Successors, as Owner or Owners of any public Buildings within the Limits of any of the said former Acts or that Act, should be liable to be rated and assessed for the Purposes of such Acts in like Manner as the Owners of other public Buildings within the same Limits, but the Committee for lighting and paving the Parish of *Saint Martin in the Fields* were thereby required to pay to the said Commissioners the clear annual Sum of Six hundred and fifty-three Pounds, by equal half-yearly Portions, on the Twenty-fourth Day of *June* and the Twenty-fourth Day of *December* in every Year, in aid of the said Rates, in consideration whereof it was provided that the said Commissioners should not lay any Rates under the foregoing Power upon any Buildings or Spaces of Ground abutting on or fronting the Footways of *Cockspur Street* and *Charing Cross Street* unless the said annual Sum should be in arrear; and it was enacted, that the Monies to be collected and received by the Commissioners for executing the said Act from the Rates thereby directed to be laid and assessed by them for the Purposes aforesaid, and in respect of the said annual Sum of Six hundred and fifty-three Pounds, should be applied

2 & 3 W. 4. c. 56.

applied by them, after discharging thereout the Expenses attending the obtaining and passing of that Act, in the next place, in paying the Interest of all Principal Monies which had been borrowed under the said former Acts or any of them, or to be borrowed under the Powers of that Act, and subject thereto in defraying the consolidated Expenses of paving, repairing, cleansing, lighting, watering, and regulating the several Streets and Places by the said former Acts and that Act respectively directed or authorized to be paved, formed, repaired, cleansed, lighted, and watered by the said Commissioners, except the said Mews called *Westminster Mews*, and in paying off the Principal Monies borrowed or to be borrowed as aforesaid; and the said Commissioners were authorized to borrow Money on the Credit of the said Rates and annual Sum for any of the Purposes to which the Monies to arise from the said Rates were thereby made applicable: And whereas the Commissioners executing the several recited Acts have from Time to Time raised for the herein-before stated Purposes thereof various Sums of Money by way of Loan, in addition to the Rates received by them for the same Purposes, and they are subject to a Debt of Fourteen thousand Pounds, the Balance (which has not yet been discharged) of such Loans: And whereas it is expedient to transfer the paving, maintaining, lighting, watering, and cleansing of certain of the Streets and other Places subjected for those Purposes by the said several Acts to the Jurisdiction of the said Commissioners to the Charge and Management of the Parishes within which the same Streets and other Places are respectively situate, or of the Persons having the like Charge and Management of other Streets and Places within such Parishes respectively, and to transfer the like Jurisdiction of the said Commissioners over other Parts of the said Streets and Places in the Neighbourhood of the Houses of Parliament to the Commissioners of Her Majesty's Works and Public Buildings, and to amend the Provisions of the said Acts: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say:

Expedient to transfer the Powers of paving, &c. Regent Street to the Parishes.

Of the Streets in Neighbourhood of Houses of Parliament to the Commissioners of Works, &c.

I. The Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and the Commissioners of Her Majesty's Works and Public Buildings, for the Time being, and such Persons as shall from Time to Time be appointed for this Purpose under the Provisions of this Act, shall be the Commissioners for carrying the several recited Acts, so far as the subsisting Provisions thereof respectively are not hereby repealed or altered, and this Act into execution,

Appointment of Commissioners.

 and

and the Powers vested in any other Commissioners by or under the Authority of the recited Acts or any of them shall cease.

Meetings of Commissioners.

II. The First Meeting of the Commissioners acting under the Authority of this Act may be convened by Notice or Summons in the Manner provided by the first-recited Act for the calling of a Meeting of Commissioners where there should have been no Adjournment of a preceding Meeting; and all other the Provisions of the said Acts relating to General or Special Meetings of the Commissioners executing the same, and to the Proceedings of such Meetings, shall be applicable, as nearly as the Circumstances will require or permit, to the Meetings of the Commissioners acting under the Authority of this Act, and to their Proceedings at such Meetings.

Power to appoint additional Commissioners.

III. It shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, and the Commissioners of Woods, Forests, and Land Revenues, and the Commissioners of Works and Public Buildings, for the Time being, present at any Meeting of the Commissioners executing this Act, and not being less than Three in Number, to appoint any Person or Persons to be a Commissioner or Commissioners, and every such Appointment shall be entered among the Proceedings of the Meeting at which the same shall be made, and every such appointed Commissioner shall have the same Powers and Authorities as if he had been appointed a Commissioner by this Act for carrying this Act and the subsisting Provisions of the recited Acts into execution, but shall be subject also to the like eventual Disqualifications and to the like eventual Penalties as any Commissioner to be elected and appointed under the Authority of the firstly-recited Act was under the like Circumstances eventually subjected to by virtue of the Fourth and Fifth Sections of that Act.

Commissioners to have all the Powers and Property, and to be liable to all the Debts and Engagements of old Commissioners.

IV. All the Powers, Authorities, Monies, Property, Rights, and Credits of the Commissioners executing the several recited Acts, and the Benefit of all Securities, Contracts, and Engagements made to them, or to any of their Officers on their Behalf, and all the Debts, Duties, Engagements, Contracts, and Liabilities of the same Commissioners, shall stand transferred by virtue of this Act to the Commissioners for the Time being acting in execution hereof, and shall respectively be recoverable and enforceable accordingly by or against the last-mentioned Commissioners, by themselves or their Officers respectively, as fully and effectually as if they were the Commissioners appointed by or under the Authority only of the recited Acts, and continuing to execute the same Acts; and all Actions, Suits, and Proceedings commenced by or against the said former Commissioners, or any of their Officers on their Behalf, may be continued by or against the

the Commissioners executing this Act or their like Officers as if there were no Change of Commissioners, except only so far as any such Rights, Credits, Securities, Contracts, Debts, Duties, Engagements, and Liabilities respectively are by this Act expressly determined.

Short Title of Act.

V. This Act may be cited in all other Acts and Instruments and in all legal Proceedings by the short Title of "The Crown Estate Paving Act, 1851."

Jurisdiction of Commissioners and of Parishes, and of Commissioners of Woods, &c. defined by Plans.

VI. The following Plans which have been prepared for the Purposes of this Act, namely, a Plan, marked A, being of the Crown Estate in and near the present *Regent's Park*, and comprising the same Area, now distinguished by different Colours, with that comprised in the Plan No. 1, referred to in the firstly-recited Act; and secondly, a Plan, marked B, comprising all the Streets and other Places comprised in the Plan No. II., referred to in the firstly-recited Act, and of which the Streets coloured Brown in the Centre thereof upon the same Plan were as to the paving, lighting, watering, and cleansing thereof subjected to the Charge and Management of the said former Commissioners, and all the Streets and other Places comprised in the said Plan No. 5, referred to in the thirdly-recited Act, and of which the Streets coloured Blue upon the same Plan were as to the paving, lighting, watering, and cleansing thereof subjected to the Charge and Management of the same Commissioners, and the Carriageway of *Pall Mall* extending from the Eastern to the Western Side of *Waterloo Place*, and the Street formed on the Site of the said Two Houses, formerly numbered 92 and 93 in *Pall Mall*; and thirdly, a Plan, marked C, comprising the Carriageways of *Cockspur Street* and *Charing Cross Street*, coloured Yellow on the Plan No. 8, referred to in the fourthly-recited Act, and all the Streets and other Places comprised in the Plan No. 3, referred to in the firstly-recited Act, and also the Street in front of the Admiralty Office and its Appurtenances referred to in the secondly-recited Act, and also *Parliament Street* and *Bridge Street*, Part of the Streets and Places comprised in the said Plan No. 7, referred to in the thirdly-recited Act, and also *Great George Street* and *Little Bridge Street*, and Part of the Street leading from *Great George Street* to *Saint Margaret's* Churchyard, respectively coloured Pink on the Plan No. 9, referred to in the said fourthly-recited Act, all which said Streets and Parts of Streets were by the several last-mentioned Acts subjected as to the Charge and Management of the said Commissioners for the Purposes aforesaid; and fourthly, a Plan, marked D, comprising the said Mews called *Westminster Mews*, and being similar of Extent to the said Plan No. 6, referred to in the said thirdly-recited Act; and lastly, a Plan, marked E, comprising all such Parts of *New Palace Yard*, *Saint Margaret Street*, and *Old Palace Yard*, and the adjoining Streets and Places

Places as were comprised in the said Plan No. 4, referred to in the secondly-recited Act, and also *Abingdon Street* and *Little Abingdon Street*, and the Terrace or Foot Pavement of *New Palace Yard*, Part of the Places comprised in the said Plan No. 7, referred to in the said thirdly-recited Act, all which said several Streets and Places are coloured Pink in the said Plan marked E, shall be authenticated each by the Signature of the Right Honourable the Speaker of the House of Commons, and shall be deposited with and remain in the Custody of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and One Copy of each of the said Plans, signed by the said Speaker, shall be deposited in the Parliament Office, and One other Copy, so signed, shall be deposited with the Clerk of the Peace for the County of *Middlesex*, and that all Persons shall at all seasonable Times have Liberty to inspect the Copy of the said Plans so deposited with the Clerk of the Peace at their Pleasure, paying the Sum of One Shilling for each such Inspection, and to take Copies from the said Plans or either of them, or of any Part or Parts thereof, paying the Sum of One Shilling for every Copy so taken; and the said Plans or the Copies thereof, authenticated as aforesaid, shall be received in Evidence in all Proceedings relating to the Jurisdiction of the said Commissioners and the Execution and Provisions of this Act.

Power of Commissioners acting under 5 G. 4. c. 100. to cease

VII. All the Power and Duty of the Commissioners appointed by or under the Authority of the recited Acts or any of them, or this Act, to pave, repair, light, water, and cleanse the several Carriageways and Footways now subsisting, or which may hereafter be made on the Ground or Area distinguished by the Brown Colour on the said Plan A, or for the sinking or maintaining of Wells or Pumps for the Purposes of such watering, or to levy, assess, or recover any future Rates upon or from any Houses, Shops, Buildings, Ground, or Properties comprised within the Limits coloured Brown upon the said Plan, or the Occupiers or Owners thereof, for defraying the Expenses of paving, repairing, lighting, watering, or cleansing any Streets or other Places thereon or elsewhere, or for paying the said Debt of Fourteen thousand Pounds, or the Interest thereof, shall cease and determine, but without Prejudice to any Rights or Remedies of the said Commissioners or their Officers for the Recovery of any Rates which may be due and in arrear when this Act shall come into operation, or any Damages or Costs relating to such Arrears, which Rights and Remedies shall be available to and enforceable by the Commissioners executing this Act, or their Officers, as fully and effectually as the same would have been available or enforceable by the Commissioners executing the recited Acts, or their Officers respectively, if this Act had not been passed; and the Authorities limited by the Twenty-second Section of the firstly-recited Act to

 the

the Lord High Treasurer, or the Lords Commissioners of the Treasury, and the Commissioners of Woods, Forests, and Land Revenues, shall not enable them to subject any other Streets or Places within the Limits coloured Brown on the said Plan A. to the Charge or Management of the Commissioners executing this and the recited Acts, so far as relates to the paving, lighting, watering, and cleansing thereof, or for any of the said Purposes.

Defining the Jurisdiction of the Commissioners of the Southampton Paving Trust.

VIII. The paving, repairing, lighting, watering, and cleansing of all the present and future Carriageways and Footways on so much of the Ground or Area coloured Brown on the said Plan A. as is situate in the Parish of *Saint Pancras* shall be under the Charge or Management of the Commissioners of the *Southampton* Paving Trust, in whom the general Duty of paving, repairing, lighting, watering, and cleansing the public Carriageways and Footways of the adjoining Portion of the said Parish is vested, and who are authorized and required to cause the said Carriageways and Footways hereby transferred to their Charge and Management to be paved, repaired, lighted, watered, and cleansed accordingly; and all the Powers and Authorities vested or to be vested in the said Commissioners for the paving, repairing, lighting, watering, and cleansing of the other Carriageways and Footways under their Management, and for raising Funds for those Purposes by Rates to be assessed on the Houses, Shops, Buildings, Ground, and Properties within their Jurisdiction or otherwise, shall extend and be applicable to the Streets and other Places hereby subjected for the like Purposes to their Charge and Management, and to the Houses, Shops, Buildings, Ground, and Properties on the Area or Site coloured Brown on the said Plan A, and situate within the same Parish, and shall be exerciseable accordingly; and so much of the said Ground or Area coloured Brown shall to all Intents and Purposes form Part of the said *Southampton* Paving Trust, and be subject to the Provisions of any Act or Acts for the Regulation or Management of such Trust.

Property of Pavements, Lamps, and Lamp Irons in District transferred to Southampton Paving Trust to belong to that Trust.

IX. The Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the said last-mentioned Commissioners, and of all the Lamps, Lamp Irons, Posts, and Rails, Wells and Pumps thereon, now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the said Commissioners of the *Southampton* Paving Trust, who shall have all the same Remedies for the Protection and Recovery thereof and against Injury thereto as are or shall be available to them for the Protection and Recovery of or against Injuries to any Materials or Articles of the like Nature belonging to any other Carriageways and Footways under their Management.

Southampton Paving Trust to pay 2,435*l.* in part Discharge of existing Debt of 14,000*l.*

X. The said last-mentioned Commissioners shall nevertheless pay to the Commissioners executing this Act, as a proportionate Contribution towards the said remaining Debt of Fourteen thousand Pounds incurred for the general Purposes of the said former Acts and the Interest thereof, the Principal Sum of Two thousand four hundred and thirty-five Pounds on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime, to be computed from the Day on which this Act shall come into operation up to the Payment of the said Principal Sum at the Rate of Four Pounds *per Centum per Annum*, which said Principal and Interest Monies shall respectively be applied forthwith, or as soon as shall be practicable after the Receipt thereof by the said Commissioners, towards Payment of the said Debt of Fourteen thousand Pounds and the Interest thereof.

Jurisdiction of the Vestry of Saint Marylebone.

XI. The paving, repairing, lighting, watering, and cleansing of all Carriageways or Footways now subsisting or hereafter to be made, or so much of the said Ground or Area coloured Brown on the said Plan A. as is situate in the Parish of *Saint Marylebone*, shall be under the Charge and Management of the Vestrymen of that Parish, who shall provide for the due paving, repairing, lighting, watering, and cleansing thereof accordingly, and shall have the same Authorities for those Purposes, and for raising the Funds to be therefore required, as would have been vested in them if the last-mentioned Carriageways and Footways had been within the Application of the Twenty-sixth Section of the firstly-recited Act, and the Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Care and Management of the last-mentioned Vestrymen, and of all the Lamps, Lamp Irons, Posts, Rails, Wells, and Pumps thereon now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the same Vestrymen, who shall have all the same Powers and Remedies for the Protection and Recovery thereof and against Injury thereto as are or shall be available to them for the Protection or Recovery of or against Injury to any Materials or Articles of the like Nature belonging to any other Carriageways or Footways under their Management.

Saint Marylebone to pay 82*l.* in part Discharge of existing Debt of 14,000*l.*

XII. The said Vestrymen shall nevertheless pay to the Commissioners executing this Act, as a proportionate Contribution towards the said remaining Debt of Fourteen thousand Pounds incurred for the general Purposes of the said former Acts and the Interest thereof, the Principal Sum of Eighty-two Pounds on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime, to be computed from the Day on which this Act shall come into operation up to the Payment of the said

said Principal Sum, at the Rate of Four Pounds *per Centum per Annum*, which said Principal and Interest Monies shall respectively be applied forthwith, or as soon as shall be practicable after the Receipt thereof by the said Commissioners, towards Payment of the said Debt of Fourteen thousand Pounds, and the Interest thereof.

Powers of Commissioners acting under 5 G. 4. c. 100. to cease as to Pavements, &c. in Plans B, C, and E.

XIII. All the Power and Duty of the Commissioners appointed by or under the Authority of the recited Acts or any of them, or this Act, to pave, repair, light, water, and cleanse the several Carriageways and Footways now subsisting, or which may hereafter be made upon the Ground comprised in any of the said Plans respectively marked B, C, and E, and now subjected for those Purposes to the Charge and Management of the said Commissioners, or to sink or maintain Wells or Pumps for the Purposes of such watering, or to levy, assess, or recover any future Rates upon or from any Houses, Shops, Buildings, Ground, or Properties within the Limits comprised in the last-mentioned Plans or either of them for defraying the Expenses of paving, repairing, lighting, watering, or cleansing any Streets or other Places thereon or elsewhere, or for paying the said Debt of Fourteen thousand Pounds or the Interest thereof, or to pave, light, water, or cleanse any other Streets or Places which might otherwise be subjected to their Charge and Management for those Purposes under the Fifty-fifth Section of the thirdly-recited Act, or to levy Rates or raise Funds for those Purposes, shall cease and determine; and upon Payment of a proportionate Part only, to be computed up to and inclusively of the Day on which this Act shall come into operation, of the said yearly Sum of Six hundred and fifty-three Pounds, payable to the said Commissioners by the Committee for lighting, paving, and cleansing the Parish of *Saint Martin in the Fields* under the Provisions of the fourthly-recited Act, and all Arrears thereof, if any, the said yearly Sum shall also cease and be no longer payable, but without Prejudice to any Rights or Remedies of the said Commissioners or their Officers for the Recovery of any Rates or any Sums on account of the said yearly Sum of Six hundred and fifty-three Pounds which respectively may be in arrear, or any Damages or Costs relating to such Arrears, which Rights and Remedies shall be available to and enforceable by the Commissioners executing this Act, and their Officers respectively, as fully and effectually as the same might have been available to or enforceable by the Commissioners executing the recited Acts, or their Officers respectively, if this Act had not been passed.

Jurisdiction of Commissioners for paving Saint James's, Westminster;

XIV. The paving, repairing, lighting, watering, and cleansing of all such of the present and future Carriageways and Footways within the Limits of either of the said Plans B and C as are or shall be made within

within the Parish of *Saint George Hanover Square*, and which respectively are or would otherwise be under the Charge and Management of the Commissioners executing the recited Acts and this Act, and of all such of the present and future Carriageways and Footways within the Limits of either of the said Plans B and C as are or shall be made within the Parish of *Saint James Westminster*, and which respectively are or would otherwise be under the Charge and Management of the said Commissioners, shall be under the Charge and Management of the Commissioners for paving and improving the Parish of *Saint James Westminster*; and the paving, repairing, lighting, watering, and cleansing of all such of the present and future Carriage and Foot Ways within the Limits of either of the said Plans B and C as are or shall be within the Parish of *Saint Martin in the Fields*, and which are or would otherwise be under the Charge and Management of the said Commissioners executing the recited Acts and this Act, shall be under the Charge and Management of the Committee for paving, lighting, and cleansing the Parish of *Saint Martin in the Fields*; and the paving, repairing, lighting, watering, and cleansing of all such of the present and future Carriageways and Footways within the Limits of either of the said Plans B and C as are or shall be within the Parish of *Saint Margaret Westminster*, and which are or would otherwise be under the Charge and Management of the said Commissioners executing the recited Acts and this Act, shall be under the Charge and Management of the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*; and the said Committee and Parochial Commissioners respectively are hereby authorized and required to cause the Carriageways and Footways hereby transferred to their Charge and Management respectively to be paved, repaired, lighted, watered, and cleansed accordingly; and all the Powers and Authorities vested in the said Committee and Parochial Commissioners respectively for paving, repairing, lighting, watering, and cleansing the other Carriageways and Footways under their Management, and for raising Funds for those Purposes by Rates to be assessed on the Houses, Shops, Buildings, Ground, and Properties within their Jurisdiction or otherwise, shall extend and be applicable to the Carriageways and Footways, and to such of the Houses, Shops, Buildings, Ground, and Properties respectively comprised in either of the said Plans B and C as are hereby subjected for the like Purposes to their Charge and Management.

of Committee for paving Saint Martin in the Fields;

and of Commissioners for paving Saint Margaret and Saint John, Westminster.

Property of subsisting Pavements, &c. in Saint James's Westminster

XV. The Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the Commissioners for paving and improving the Parish of *Saint James Westminster*, and of all the Lamps, Lamp

Irons, Posts, Rails, Wells, and Pumps and other Things thereon now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the said Parochial Commissioners.

to belong to that Parish.

XVI. And the Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the Committee for paving, lighting, and cleansing the Parish of *Saint Martin in the Fields*, and of all the Lamps, Lamp Irons, Posts, Rails, Wells, and Pumps and other Things thereon now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the same Committee.

Pavements, &c. in Saint Martin's in the Fields to belong to that Parish.

XVII. And the Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, shall be vested by virtue of this Act in the last-mentioned Commissioners.

Pavements, &c. in Saint Margaret and Saint John, Westminster, to belong to those Parishes.

XVIII. The several proportionate Contributions following shall be paid by or on behalf of the Three last-named Parishes respectively to the Commissioners executing this Act towards the Discharge of the said remaining Debt of Fourteen thousand Pounds incurred for the general Purposes of the said former Acts as aforesaid; that is to say, the Sum of Three thousand three hundred Pounds by the Commissioners for paving and improving the Parish of *Saint James Westminster*, the Sum of Two thousand four hundred and forty-three Pounds by the Committee for paving, lighting, and cleansing the Parish of *Saint Martin's in the Fields*, and the Sum of One thousand five hundred and forty-nine Pounds by the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist Westminster;* and the said several Payments shall be severally made on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Day on which this Act shall come into operation up to Payment of the Principal Sums respectively, which said Principal and Interest Monies shall respectively be applied by the said Commissioners for executing the said recited Acts and this Act, forthwith or as soon as practicable after the Receipt thereof, towards Payment of the said Debt of Fourteen thousand Pounds, and the Interest thereof.

Saint James's Parish to pay 3,300*l.* towards Discharge of existing Debt of Commissioners acting under 5 G. 4. c. 100., Saint Martin's in the Fields to pay 2,443*l.*, and Saint Margaret and Saint John, Westminster, to pay 1,549*l.*

XIX. That it shall be lawful for the Vestrymen, Committees, or other local Authorities respectively upon whom the Payment of any such

Vestrymen may make and levy

Rates to pay proportionate Contributions.

such proportionate Contributions as aforesaid is imposed by this Act from Time to Time to make, assess, and levy a special Rate upon the Occupiers of the Houses, Shops, Buildings, Grounds, and Properties hereby made subject to the Jurisdiction of such Vestrymen, Committees, or other local Authorities as aforesaid, for the Amount of the several Contributions to the Payment of which such Vestrymen, Committees, or other local Authorities as aforesaid are hereby made liable, and also for the Amount of any Interest or Expenses which may become payable by them respectively by reason of the deferred Repayment of such respective Contributions; and that every such special Rate shall be made and levied in such and the same Way as the said Vestrymen, Committees, or other local Authorities are by their respective Local Acts empowered to levy Rates for the general Purposes of their said respective Acts, and shall be of such an Amount from Time to Time as will be sufficient to discharge the whole of such several Contributions, with such Interest and Expenses as aforesaid, within such Period not exceeding Twenty Years as to the said several local Authorities as aforesaid shall seem fit; and that the Produce of every such Rate shall be carried to a separate Account and be applied accordingly.

Special Rate not to be levied upon Houses, &c. fronting Footways of Cockspur Street and Charing Cross Street.

XX. Provided always, That nothing in this Act contained shall be construed to compel or authorize the Committee for paving, lighting, and cleansing the said Parish of *Saint Martin in the Fields* to make, assess, or levy upon the Occupiers of any Houses, Shops, Buildings, Yards, or Properties abutting upon or fronting the Footways of *Cockspur Street* and *Charing Cross Street* the said Special Rate by this Act authorized to be assessed and levied upon the Occupiers of the Houses, Shops, Buildings, Yards, and Properties hereby made subject to the Jurisdiction of such Vestrymen, Committees, or other local Authorities as aforesaid, for the Amount of the several Contributions or Monies in respect of the said Debt of Fourteen thousand Pounds, to Payment of which such Vestrymen, Committees, or other local Authorities as aforesaid are hereby made liable.

Vestrymen may borrow Money on the Credit of the Rates.

XXI. That it shall be lawful for such Vestrymen, Committees, or other local Authorities as aforesaid to borrow and take up at Interest, on the Credit of any Rates and Assessments made and levied or to be made and levied by virtue of their respective Local Acts of Parliament, and upon the Credit of any Rates which may be made and levied under the Authority of this Act, or on the Credit of any Part or Portion of any such Rates respectively, such Sum or Sums of Money as they shall respectively be called upon to pay to the said Commissioners under the Provisions herein-before contained as and for their respective proportional Contributions towards the said Debt or Sum of

Fourteen thousand Pounds; and that the Amount so respectively borrowed shall be secured by a Charge or respective Charges on such Rates respectively, to be made and executed in such and the same Way as such local Authorities respectively are now authorized and enabled to borrow Money for the Purposes of the said Acts under which they are respectively constituted, and shall be in addition to the Sum of Money which such local Authorities respectively are now enabled to borrow under the Powers of their said respective Acts of Parliament.

Local Authorities of the Parish of St. James Westminster to levy an extra Rate, to be called "The Regent Street Rate."

XXII. That it shall be lawful for the local Authorities in the Parish of *Saint James Westminster*, to whom the Control of such Carriageways and Footways as aforesaid shall have been transferred by this Act, when and as they may respectively consider it necessary or proper during such Time as the said Carriageways, or any Part thereof, shall continue macadamized, to make, assess, and levy from Time to Time a further separate Rate, to be called "The *Regent Street* Rate," upon the Occupiers of the Houses, Shops, Buildings, Ground, and Properties hereby made subject to their Jurisdiction, for the Purpose of defraying any extra Expense which may have been occasioned by the paving, lighting, cleansing, watering, or repairing of such Carriageways and Footways beyond the average Cost of the other Carriageways and Footways then subject to their Jurisdiction, such Rate to be made, assessed, and levied from Time to Time by the said local Authorities in like Manner as by their Local Act or Acts they are empowered to levy Rates for the general Purposes of such Act or Acts; but the total Rate to which such Houses, Shops, Buildings, Ground, and Property shall be liable shall not exceed in any One Year by more than One Third the Rate to which the other Houses, Shops, Buildings, Ground, and Properties within the said Parish of *Saint James Westminster* shall be liable for similar Objects.

Present Breadth of Foot Pavements to remain.

XXIII. All the subsisting Foot Pavements comprised in the said Plans B and C, and of which respectively the Breadth exclusive of the Areas to the adjoining Houses is stated on the said Plans, shall be always maintained of the same Breadth at the least, unless the Commissioners executing this Act shall by their written Permission, signed by their Clerk, authorize the Contraction thereof, and then shall be reduced only according to such Permission or Authority; and that if the Breadth of the said Foot Pavements, or of any Part or Parts thereof, shall at any Time or Times be contracted without such Permission and Authority of the Commissioners executing this Act, the Surveyor or other Officer having the Superintendence of such contracted Foot Pavements shall, upon Proof of such Contraction before any Justice of the Peace for the City of *Westminster*, or if there shall be no such Surveyor or Officer then the Committee or Commis-

Commissioners for paving and improving, under whose Charge and Management the said Footpath shall be, shall be convicted by such Justice in any Penalty not exceeding the Sum of Five Pounds or less than Two Pounds, and upon Proof before any such Justice of the Continuance of such Contraction after such First Conviction shall be convicted by him as often as the Case may occur in any Penalty not exceeding Five Pounds or less than Two Pounds for every Week subsequent to the said First Conviction during which the same Contraction shall continue; and all such Penalties shall be paid to the Commissioners executing this Act, and shall be applied by them to the general Purposes thereof hereby directed to be performed by the said Commissioners.

Lamps and Lamp Posts to remain of the same Designs.

XXIV. And all the Pavements within the said Plans B. and C., hereby transferred from the Superintendence of the said Commissioners, and all the Lamps and Lamp Posts and Irons thereon, shall be maintained by the Committee or Commissioners for paving and improving to whose Charge and Management the same are transferred, in conformity to the Plans and Designs in which respectively the same have been laid out and fixed, unless the said Commissioners executing this Act shall in manner aforesaid authorize any Deviation from such Plans or Designs.

Powers of Commissioners acting under 5 G. 4. c. 100. for paving, &c. the immediate Approaches to the Houses of Parliament vested in Commissioners of Works, &c.

XXV. All the Powers, Duties, and Authorities whatsoever of the Commissioners appointed by or under the Authority of the recited Acts, or any of them, for the paving, repairing, lighting, watering, cleansing, and regulating the Carriageways and Footways of all the Streets, Squares, and other Places comprised in the said Plan E, shall be vested in and exercisable by the Commissioners of Her Majesty's Works and Public Buildings for the Time being.

Property of Pavements, &c. vested in Commissioners of Works, &c.

XXVI. And the Property of all the subsisting Pavements of the same Carriageways and Footways, and of all Lamps, Lamp Irons, Posts and Rails, and Wells and Pumps thereon, now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the Commissioners of Her Majesty's Works and Public Buildings, who shall have all the same Powers and Remedies for the Protection and Recovery thereof respectively, and against Injuries thereto, as are vested by virtue of the recited Acts or any of them in the Commissioners executing the same.

Commissioners of Works to pay 836*l.* in part of existing Debt.

XXVII. The Commissioners of Her Majesty's Works and Public Buildings shall nevertheless pay to the Commissioners executing this Act, as a proportionate Contribution towards the Discharge of the said remaining Debt of Fourteen thousand Pounds and the Interest thereof, the Principal Sum of Eight hundred and thirty-six Pounds on or before the Twenty-fourth Day of *June* One thousand eight hundred and

and fifty-two, with Interest thereon in the meantime, to be computed at the Rate of Four Pounds *per Centum per Annum*, from the Day on which this Act shall come into operation to the Day on which the said Principal Sum shall be discharged, which Principal and Interest Monies shall be applied by the last-mentioned Commissioners, upon or as soon as may be after their Receipt thereof, towards the Discharge of the said Sum of Fourteen thousand Pounds and the Interest thereof.

Repeal of Sect. 23. 9 G. 4. c. 64. and Sect. 6. 2 W. 4. c. 56.

XXVIII. The Twenty-third Section of the thirdly-recited Act and the Sixth Section of the fourthly-recited Act, by virtue whereof respectively Her Majesty as Owner of any public Buildings within the Limits referred to in the same Sections respectively, Her Heirs and Successors, is and are liable to be rated and assessed for the Purposes also therein referred to, shall be and the same are hereby repealed; and in respect of any Building or Portion of a Building used and occupied exclusively for the Public Service of Her Majesty, Her Heirs or Successors, the Commissioners for the Time being of Her Majesty's Works and Public Buildings shall and they are hereby required, by and out of such Monies as may from Time to Time be placed at their Disposal for that Purpose by Parliament, to pay to the said Committee for paving the Parishes of *Saint Martin in the Fields* and *Saint Margaret* and *Saint John Westminster* respectively such Sum or Sums of Money as such Building or Portion of a Building, or the Owner or Occupier thereof, might from Time to Time have been lawfully charged with the Payment of by the said Committees of the said respective Parishes under the Authority of this Act if such Building or Portion of a Building had not been used or occupied for the Public Service of Her Majesty exclusively.

Jurisdiction of Commissioners executing the recited Acts to remain over so much of the Crown Estate as will continue under their Jurisdiction.

XXIX. Provided always, That nothing contained in this Act shall operate to determine, limit, alter, or impair the Jurisdiction, or any of the Powers and Authorities given by the several recited Acts, or any of them, to the Commissioners executing the same over or with respect to so much of the Crown Estate in or near the *Regent's Park* as is coloured Red on the said Plan A., or over or with respect to any Part of the said Estate not distinguished by the Brown Colour on the same Plan, or over or with respect to any Carriageways or Footways now subsisting or hereafter to be made on any Part of the said Estate not distinguished by the Brown Colour on the last-mentioned Plan, or over or with respect to any Gardens, Shrubberies, or ornamental Inclosures comprised in any Part of the said Plan, or in any of the Plans authenticated and deposited under the several Provisions of the recited Acts, or by the said Acts or any of them authorized to be placed under the Jurisdiction and Management of the same Commissioners, or over or with respect to the Construction, ornamenting, colouring, painting, or defacing of any Streets, Houses, or Buildings, or over or with

 respect

respect to the said Mews called *Westminster Mews*, comprised in the said Plan D., or any Authorities or Rights whatsoever given by the said Acts or any of them to the Commissioners executing the same as Commissioners of Sewers, or for making or maintaining any Sewers or Drains, or for raising the Expenses thereof, or any other Jurisdiction, Powers or Authorities whatsoever by the said Acts or any of them vested in the Commissioners executing the same, and not hereby expressly determined, limited, altered, or transferred to other Parties than the Commissioners appointed to execute this Act and the subsisting Provisions of the recited Acts, but that all the Jurisdiction, Authorities, and Powers whatsoever by the recited Acts or any of them given to the Commissioners executing the same shall be vested in and exercisable by the Commissioners appointed and to be appointed by virtue of this Act, so far as shall not be inconsistent with the express Provisions hereof, as fully and effectually as the same respectively would have been vested in or exercisable by the Commissioners executing the recited Acts if this Act had not been made.

Power to Commissioners to colour the outside Stucco and Stone Work of Houses and Buildings by Oil Painting.

XXX. And for removing Question as to the Extent of Authority which by virtue of the fourthly-recited Act and this Act will be vested in the Commissioners executing this Act, for undertaking from Time to Time and causing to be executed the cleaning and colouring of the outside Stucco and Stone Work of any Houses, Buildings, or Walls within the Purview of the same Acts, be it enacted, That it shall be lawful for the said Commissioners from Time to Time to cause such colouring to be effected by means of Oil Painting in all or any Cases in which they shall consider that Method the most expedient, and that the Thirty-first Section of the said fourthly-recited Act, by which Provision is made for answering the Expense of cleaning and colouring the Stucco and Stone Work authorized to be cleaned and coloured by the Commissioners acting in execution of the same Act, and the Thirty-second and Thirty-third Sections of the same Act, shall henceforth be construed and operate with this Act, as if the Commissioners acting in execution of that Act had been originally or expressly authorized to effect or cause to be effected by means of Oil Painting all the colouring which they were thereby authorized to undertake, but that the Thirtieth Section of the same Act, restricting the said Commissioners for undertaking the cleaning and colouring of the outside Stucco or Stone Work of any Houses, Buildings, or Walls, without such Consent as therein specified, shall be and the same is hereby repealed.

The general Powers of the Vestries and Parochial Committees extended to the

XXXI. The several Commissioners, Committees, or other Parties in whom any Pavements, Lamps, Irons, Posts, Rails, Wells, Pumps, or other Materials shall be vested by virtue of this Act, or to whose Management or Charge any Carriageways or Footways are hereby transferred, shall respectively have all the same Remedies and Authorities

rities for the Protection and Recovery of the Articles so vested in them, and against Injuries thereto, and for the Prevention of Nuisances and Obstructions to any such Carriageways or Footways, and the Punishment of Parties causing any such Nuisances or Obstructions, as are or shall be available to them for the Protection and Recovery of or against Injuries to any like Articles vested in them respectively for parochial or public Purposes, and for the Prevention of Nuisances and Obstructions to any other Carriageways or Footways under their Management or Charge, and for the Punishment of Parties causing the same Nuisances or Obstructions.

Carriage and Foot Ways transferred to them by this Act.

XXXII. Any Contract or Engagement entered into by the Commissioners for executing the several recited Acts, or by any of their Officers on their Behalf, for paving, repairing, lighting, watering, or cleansing the several Carriageways and Footways by such Acts subjected to the Jurisdiction of such Commissioners shall, on the Provisions of this Act coming into operation, be respectively transferred to the Parties and Persons to whom the Charge and Management of the several and respective Carriageways and Footways are by this Act transferred, and to the Parties and Persons who are thereafter respectively authorized to pave, repair, light, water, or cleanse the same Carriageways and Footways; and such several and respective Parties and Persons are hereby respectively authorized and required to perform the Conditions of every such Contract or Agreement, and are hereby entitled to all the Benefits and Advantages of, and are authorized to enforce, every such Contract or Agreement, in such and the like Way and Manner, and to the same Extent, as if they had respectively entered into the same instead of the Commissioners for executing the several recited Acts, or any of the Officers of such Commissioners on their Behalf.

Existing Contracts transferred to Parties having future Charge of Carriageways, &c.

XXXIII. Every such Contract or Engagement originally entered into with respect to more than One of the several Parishes to which this Act applies shall be apportionable and apportioned by the Commissioners acting in execution of the said recited Acts, so as to be after the Commencement of this Act enforced in all respects as if the same had originally been several, distinct, and separate Contracts or Engagements, and One of such Contracts or Engagements had accordingly been originally entered into with respect to each Parish.

Original Contracts to be apportioned.

XXXIV. That all the Costs, Charges, and Expenses of obtaining and passing this Act, or incident thereto, the Amount whereof shall be conclusively ascertained and settled by the Certificate of the Solicitor to the Treasury, shall be borne, paid, and defrayed by the Commissioners executing the said recited Acts or this Act, and shall be repaid to them, or to their Treasurer, by the Commissioners of Her Majesty's Works and Public Buildings, the Commissioners of the *Southampton* Paving Trust, the Vestrymen of

Costs of the Act and Recovery of Contributions from the Commissioners of Works and Public Buildings and the Parishes respectively.

of the Parish of *Saint Marylebone*, the Committee for paving, cleansing, and lighting the Parish of *Saint James Westminster*, the Committee for paving, lighting, and cleansing the Parish of *Saint Martin in the Fields*, and the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, respectively, in the same Proportions in which such last-mentioned Commissioners and several Vestrymen and Committees are respectively required by this Act to contribute and pay to the Commissioners executing this Act the said remaining Debt of Fourteen thousand Pounds, and that such Proportions shall be added to the Amount of Debt herein-before charged on each Parish respectively, and shall be repaid to the local Authorities in the same Way as their respective Contributions to the said Debt of Fourteen thousand Pounds are hereby directed to be repaid; and that in case Default shall be made by the Commissioners of Works and Public Buildings, or the said several Vestrymen and Committees, or any of the said Parties respectively, in the due Payment of any Principal or Interest Monies which shall be due from them respectively or any of them, by way of Contribution to or on account of the said Sum of Fourteen thousand Pounds, or the Interest thereof, or the Costs, Charges, and Expenses lastly herein-before referred to, the Commissioners executing this Act, by themselves, or their Clerk or Treasurer, shall be competent to recover from the Parties making such Default the Monies due from them respectively by Action in any of Her Majesty's Superior Courts of Law at *Westminster*, with Costs of Suit.

Exemption as regards Her Majesty the Queen and the Land Revenues of the Crown.

XXXV. Provided always, That nothing in this Act or the said recited Acts contained shall subject or charge the Queen's most Excellent Majesty, Her Heirs or Successors, or the Capital or Income of the Possessions or Land Revenues of Her Majesty in right of Her Crown, to or with the Payment of any Rate or Assessment, Sum of Money, Debt, or Liability, or the Performance of any Contract or Engagement made, entered into, or incurred, or which may be made, entered into, or incurred, in relation to paving, lighting, cleansing, or watering under the Authority of this Act, or the said recited Acts or any of them.

Act to take effect from 10th Oct. 1851.

XXXVI. And lastly this Act shall come into operation and shall take effect on and from the Tenth Day of *October* One thousand eight hundred and fifty-one.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.